DOCUMENT RESUME

ED 165 503 FL 010 056

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TITLE Bilingual Education: State and Federal Legislative Mandates. Implications for Program Design and Evaluation.
INSTITUTION California State Univ., Los Angeles. National Dissemination and Assessment Center.; California Univ., Los Angeles. Center for the Study of Evaluation.
SPONS AGENCY National Inst. of Education (DHEW), Washington, D.C.; Office of Bilingual Education (DHEW/OE), Washington, D.C.
PUB DATE [78]
NOTE 134p.
AVAILABLE FROM National Dissemination and Assessment Center, 5151 State University Drive, King Hall C2094A, Los Angeles, California 90032 ($3.20/copy plus $0.50 postage)

EDRS PRICE MF-$0.83 HC-$7.35 Plus Postage.
DESCRIPTORS *Bilingual Education; Educational Assessment; *Educational Legislation; Educational Policy; Elementary Secondary Education; English (Second Language); *Evaluation Criteria; *Federal Legislation; Higher Education; Language Instruction; Language Maintenance; Language of Instruction; Non English Speaking; *Program Descriptions; Program Design; Program Evaluation; Second Language Learning; *State Legislation; State Standards
IDENTIFIERS *Bilingual Education Act 1968

ABSTRACT

This review of current federal and state legislation provides information on characteristics of bilingual education programs, mandated by law, that are of importance to evaluators. The legislative summaries are presented in two sections: across-states summary of legislative provisions and state-by-state summary of legislative provisions. Information is presented in the following categories: type of program, population to be served, participation of English-speaking students, census (determining numbers of students eligible for the program), census mandate (when a program must be provided), description of the program, grades to be covered, length of time for students in the program, student/teacher ratio, teacher/staff requirements and qualifications, staff training, materials requirements, community participation, and student assessment and evaluation reporting requirements. States differ in goals for native language outcomes, definitions of the populations to be served, types of programs to be provided, and length of time students remain in the programs. In the evaluation of a bilingual program, it is important to consider these differences whether the program operates under state or federal requirements. Even when it operates under federal policy or funding, it is likely that the local program will be affected by the provisions of the state. (SW)

ED165503

BILINGUAL EDUCATION

STATE AND FEDERAL LEGISLATIVE MANDATES

IMPLICATIONS FOR PROGRAM DESIGN AND EVALUATION

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FL010058

BILINGUAL EDUCATION: STATE AND FEDERAL LEGISLATIVE MANDATES

Implications for Program Design and Evaluation

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This project has been supported with Federal funds from the National Institute of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the National Institute of Education, and no official endorsement by the National Institute of Education should be inferred.

The development of this publication was supported in whole or in part by the Office of Education, United States Department of Health, Education, and Welfare. The opinions expressed herein do not necessarily reflect the position or the policy of the Office of Education, and no official endorsement by the Office of Education should be inferred.

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Published and Disseminated by:

National Dissemination and Assessment Center
California State University, Los Angeles
Los Angeles, California 90032

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OVERVIEW

The Center for the Study of Evaluation has conducted a review of current federal and state legislation pursuant to the establishment and conduct of bilingual education. It was our intention to identify those characteristics of bilingual programs, mandated by law, which are of particular importance to those who want to evaluate such programs. We have therefore organized our review into categories that can be assessed by an evaluator. Administrative provisions, such as procedures for reviewing proposals, have been omitted from this review.

The legislative summaries are presented in two sections:

I. An across-states summary of provisions categorized as follows:

   A. Type of program (transitional vs. maintenance)

   B. Population to be served

   C. Participation of English-speaking students

   D. Census (determining numbers of students eligible for the program)

   E. Census mandate (when a program must be provided)

   F. Description of the program

   G. Grades to be covered

   H. Length of time for students in the program

   I. Student/teacher ratio

   J. Teacher/staff requirements and qualifications

   K. Staff training

   L. Materials requirements

   M. Community participation

   N. Student assessment and evaluation reporting requirements

II. A summary of the content of federal legislation and that of those states that have adopted legislation pursuant to bilingual education, which include the following states:

Alaska	Michigan
Arizona	Minnesota
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Illinois	Oregon
Indiana	Rhode Island
Louisiana	Texas
Maine	Utah
Massachusetts	Wisconsin

The state laws are similar in that they all propose to develop English language skills and to provide an equal educational opportunity to the populations they are intended to serve. However, they differ in goals for native language outcomes, definitions of the populations to be served, types of programs to be provided, length of time students remain in the programs, and assessment requirements, among others. In the evaluation of a bilingual program, it is important to consider these differences, whether it operates under state or federal requirements. Even when operating under federal policy or funding, it is likely that the local program will be affected by the provisions of the state. Therefore, careful attention should be given to both.

INTRODUCTION

Since the passage of the Bilingual Education Act of 1968 by the United States Congress, there has been a tremendous increase in support for bilingual education which has come from the legislatures, the courts, various educational agencies, and community groups. However, this support has failed to produce a clear national policy toward bilingual education. There are substantial philosophical differences among some of the laws; the policy for bilingual education has been and continues to be in an evolutionary state.

After nearly ten years of implementation of bilingual education programs under public funding sources, the debate regarding the philosophy and goals of bilingual education and the population to be served by bilingual programs is conducted from many perspectives. Skeptics question the need for bilingual education and claim that the effectiveness of bilingual programs has not been demonstrated. Others charge that meaningful research and evaluation of bilingual education programs has been inadequate to meet the information needs of a new and complicated educational program. Still others feel that the last ten years have been capacity building years, that the human and material resources for program implementation have been inadequate, and that the instruments and technology for their evaluation have been virtually non-existent.

This lack of information regarding the implementation and effect of bilingual programs is one factor which has hampered the development of a comprehensive policy. Few evaluation studies have attempted to assess program impact; those that have done so have received harsh criticism for their failure to consider the issues and problems that are peculiar to the education of limited- and non-English-speaking students. Furthermore, the large variation in design and quality of these evaluation reports, as well as the lack of information in them regarding the nature, strengths, and weaknesses of

classroom activities, have made them virtually useless as models for replication or as sources for a body of knowledge regarding program implementation and effect.

In the evaluation of a bilingual program, it is important to consider the various sources of funds and agencies giving direction to the program within that state. Careful attention must be extended to the goals of the program in that these may have an effect on the rate or sequence of program effect. For example, programs which espouse the development of the primary language may demonstrate larger language gains in the primary language initially and smaller gains in English, with the expectation that primary language skills will be transferable to English and serve as a basis for English language development later. In contrast, a high-intensity English language training program which does not use the student's primary language in instruction may demonstrate higher initial gains in English language performance. It would, therefore, be inappropriate to apply the same criteria in determining program effectiveness when evaluating these two types of programs. The question then concerns which of these approaches would, in the long run, provide a better educational opportunity and meet the student's linguistic, educational, and psychological needs.

These problems point to the need to develop a comprehensive national policy for bilingual education which will take into account the varying needs of the bilingual populations of the United States and which will consider community desires for the education of their children.

ACROSS-STATES SUMMARY OF LEGISLATIVE PROVISIONS

TYPE OF PROGRAM

The principal issues in bilingual education revolve around the goals and philosophies of the programs. While little controversy exists with respect to the expected English language growth of students, much discussion and disagreement have taken place regarding the goals for native language outcomes. Programs are often described as being transitional--advocating a shift to instruction solely in English as soon as the student can perform successfully in English--or maintenance--advocating the development and maintenance of language skills in both English and the native language.

The federal legislation provides for transitional bilingual programs. Instruction in and study of the native language of the children of limited-English-speaking ability is to be "to the extent necessary to allow a child to progress effectively through the educational system." Likewise, all of the states which have adopted legislation pursuant to bilingual education have provisions for transitional programs. However, four states--Alaska, California, Louisiana, and New Mexico--have provisions for maintenance bilingual programs as well; and California mandates programs at the elementary level serving certain numbers of non- or limited-English-speaking students that will develop and maintain the basic language skills in both languages or will enable the pupil to achieve competency in both languages.

The distinction between transitional and maintenance programs is important in the design and conduct of a program evaluation. The curriculum established for a maintenance program may differ substantially from that intended for a transitional one. For example, some programs for limited-English-speaking students may stress the development of reading skills in the primary language during a student's early participation in the program, with the English curriculum emphasizing oral language development. Instruction in English reading may be introduced when

the child has achieved a pre-established level of oral English proficiency and/or reading proficiency in the primary language. Other programs may emphasize the development of reading skills in English as soon as possible. The instrumentation employed with one type of curriculum should differ substantially from that used with the other if an adequate indication of program effect is to be derived.

Therefore, although ultimately both programs may have the same goals for English language achievement, the rate of growth and the stage in the educational process where the growth takes place may differ. Using the above examples, one could expect that the English language performance of students participating in a program which emphasizes primary language development may be low during the student's early participation in the program. A similar student in the other program may demonstrate higher performance in English earlier in the program. This trade-off in the initial stages may be justified in that one would value the development of bilingual/biliterate individuals, while the other would value the development of English monolingual/monoliterate individuals. The criteria employed in determining program effect must be sensitive to these curricular differences and the length of time in which students of different linguistic abilities have participated in the program. Evaluations should avoid, for analysis purposes, the grouping of students participating in programs with differing linguistic goals.

In this respect, the following variables would be important to consider in determining program effect:

1. the stated goals and objectives of the program, especially those dealing with linguistic and educational outcomes;

2. student language proficiency in the primary language and English at the point of entry into the program; and

3. length of time for students in the program, or student exposure to the program.

POPULATION TO BE SERVED

Another main issue facing bilingual education is the determination of who is to be served by a bilingual program. The legislatures and the courts have established general criteria, but these have varied sufficiently in their provisions, allowing latitude in their interpretation and preventing the development of widely applicable criteria. Lack of adequate assessment instruments has further prevented the development of a widely usable system for designating which students should receive bilingual instruction.

There is little question that non-English-speaking students are to be served by bilingual programs. Furthermore, these subjects are generally easily identified. However, with respect to students who speak English, at least to some extent, the criterion for program eligibility is more difficult to establish and assess. It has ranged from English-speaking students who are "culturally different" to the requirement that students perform below a certain percentile on a standardized English language test. Many terms are presently in use in reference to these students, including *limited-English-speaking students, non-English dominant students, linguistically and culturally different students, students whose primary language is other than English.*

In addition to linguistic and/or cultural considerations, general academic performance is also considered. In this regard, the most frequently applied criterion is that students be able to profit from instruction conducted solely in English. This general notion of profit is expressed in various ways: *difficulty understanding instruction in English, receive instruction solely in English at a level substantially equivalent to pupils whose primary language is English, take full advantage of present educational programs taught in English, equal educational opportunity in the regular school program, unable to perform successfully in classes in which instruction*

is given solely in English. Implicitly, measures of achievement or classroom performance in the English curriculum must be the method used to determine program eligibility. However, it is not applied in isolation; it is linked with linguistic and/or cultural characteristics. Generally, students who are having difficulty in the English curriculum, in order to be eligible for bilingual instruction, must also have a native language which is other than English and/or come from a home environment where a language other than English is used or is dominant. Other criteria include that the students be foreign born, that they come from cultural environments other than the majority culture, that they use another language outside of the classroom, or, as in the case of the federal legislation, that they come from low income families.

Reference is sometimes made to language proficiency or language dominance. The distinction in this case is an important one. Language proficiency refers to an individual's competence in one language irrespective of performance in the other language. Proficiency generally considers oral and aural competence as well as grammar, syntax, and vocabulary. Language dominance, on the other hand, is a dual language classification which considers the student's fluency in each language. The student is generally reported to be stronger in one language than the other, or equal in both, frequently without information on the student's full competence in either. It is often restricted to assessment of the student's aural and oral abilities in the two languages under consideration. This distinction is significant in that the type of instrument selected may differ, and that the information generated will be amenable to different uses.

Approximately one third of the states specifically require consideration of the student's comprehension and speaking ability in English. Fewer specifically require the assessment of the student's reading and writing abilities. However, all these may be considered to be implicit in the student's ability to benefit from instruction in English only, and therefore would be important in considering eligibility for the program and

especially in the case of transitional programs, in determining when the student may be ready to exit from the program.

Reference is sometimes made in the legislation to the student's ability in the native language, especially speaking and understanding. Achievement and ability to benefit from instruction in the native language are never discussed as criteria for selection. However, the literature suggests that information in the native language will be useful to educators in designing curriculum and in assigning students to curricular programs.

English language ability is clearly the focal point in selecting students to participate in bilingual programs. However, the criteria vary substantially among the states. Illinois, for example, stipulates that a student is eligible for the program if "the student speaks (English) without apparent difficulty but displays low achievement indicating some language or cultural interference with learning." Alaska provides for the participation of "students who speak English exclusively but whose manner of speaking reflects the grammatical structure of another language," if those students have an overall achievement which is at or below "minus one standard deviation on a normed test; or one year below grade level as measured by the district's ongoing student achievement testing program." Most states, however, are considerably less specific in their provisions. New Jersey, for example, defines students of limited-English-speaking ability as "those children whose primary language is other then English and who have difficulty performing ordinary classwork in English."

Considering the provisions of the laws pursuant to bilingual education, one would surmise that the following variables are important to consider, in part depending on funding source, in determining a student's eligibility for the program:

1. student background information
   - student's place of birth (United States or foreign)
   - student's cultural background
   - home language use

- student's "native" or "primary" language
- student's language use outside of class

2. student's language ability and/or dominance
   - proficiency in English and, perhaps, the non-English language
   - language dominance
   - understanding and speaking of English
   - reading and writing of English
   - achievement in English
   - understanding and speaking of the non-English language
   - reading and writing of the non-English language

PARTICIPATION OF ENGLISH-SPEAKING STUDENTS

A majority of the states specifically provide for the participation of English-speaking students on a permissive, voluntary basis. Generally, however, it is stipulated that priority be given to students who are limited-English-speaking. Seven states neither prohibit nor provide for the participation of English-speaking students. Only Arizona stipulates that "students who speak primarily English are not eligible to participate..." Indiana permits their participation "unless (it) will hinder the progress of the non-English dominant students."

California is the only state which sets a specific minimum number of English-speaking students. The legislation states that "not more than two thirds of the pupils enrolled shall be limited-English-speaking pupils." More generally, Illinois and New Jersey stipulate that the majority of the students shall be limited-English-speaking; however, Illinois does not reimburse districts for the education of English-speaking students. Minnesota provides for their participation "to the extent that it is economically feasible."

Little mention is made in the legislation of the educational treatment of English-speaking students in a bilingual program. The federal and Minnesota legislation provide that English-speaking students may participate "in order that they may acquire an understanding of the cultural heritage of the children of limited-English-speaking ability." Utah, in its "Guidelines and Standards for State Bilingual Education," encourages districts to teach the language(s) of the minority children to the monolingual speakers of English in order to promote a pluralistic concept of America; and Louisiana, in its "Act Concerning Second Language Programs," provides for programs "to afford all school children in the state the opportunity of attaining proficiency in a second language.

In the conduct of an evaluation of a bilingual program, the following items should be addressed with respect to the participation of English-speaking students:

1. the number and proportion of English-speaking students in the program;

2. the effect that their participation may have on the progress of the students of limited-English-speaking ability;

3. their acquisition of knowledge and understanding of the culture of the children of limited-English-speaking ability;

4. their development of knowledge of and proficiency in a second language; and

5. costs associated with their participation in a bilingual program.

CENSUS

Fourteen states require that a census be conducted to determine the number of students in need of bilingual instruction. Some states require reporting by district and others by school. Generally, the assessment is applicable at all grade levels; however, Colorado requires the reporting of students only in kindergarten through third grade.

There are some differences in the census provisions among states. Some states require the classification of students according to language dominance, e.g., Utah requires that students be classified according to the categories established by the Lau Remedies promulgated by the Office for Civil Rights. Others are less specific, requiring only the reporting of the number of children of limited-English-speaking ability. Minnesota, in addition, requires that students be reported by race and national origin; and Illinois provides for the reporting of the achievement level of students identified as limited-English-speaking. Wisconsin provides for the assessment and reporting of the English language proficiency of limited-English-speaking students.

The census enumerations can be used for multiple purposes. Results are generally used to determine when bilingual programs must be instituted and what type of program will be required. They are also used to allocate financial resources on the basis of need. Although not specifically a responsibility of the bilingual program, the data generated by the language census may have an effect on the type of program which is instituted, and the information generated by the census process can be useful in the conduct of the local program evaluation if the students are properly and carefully assessed.

CENSUS MANDATE

Twelve states specifically mandate bilingual programs. The number of eligible students in the school system is the main issue in mandating a program, but the necessary numbers and the levels at which these numbers are reported vary substantially. Some states require that programs be established when there is a certain number of students at the district level, others use the school as the basic unit, while still others use a grade range or grade level within a school.

Michigan, for example, requires that a bilingual program be established if *a school district* has an "enrollment of 20 or more children of limited-English-speaking ability in a language classification in grades K-12." Connecticut, on the other hand, mandates a program of bilingual education when "there are in any public *school* within a local or regional school district 20 or more eligible children classified as dominant in any one language other than English...." Colorado specifically requires that a district "develop a plan for bilingual and bicultural education program in a school having fifty or more students in grades kindergarten through third with linguistically different skills...."; and California mandates a certain type of program when "census indicates that any school of a school district has 10 or more non-English-speaking pupils or 15 or more limited-English-speaking pupils with the same primary language in the same grade level, or in the same age group, in a multigrade or ungraded instructional environment...."

Three points are important in considering compliance with the census mandates:

1. the definitions of the categories used to determine eligibility, such as limited-English-speaking, linguistically different skills, etc.;

2. the level or unit of reporting, such as school district, school, grade range within a school, or grade level;

3. the numbers of students in the designated category by unit of reporting.

DESCRIPTION OF THE PROGRAM

The major provisions in the legislation regarding the types of programs to be instituted pertain to the use of language and language outcomes. All the programs permitted or mandated are intended to develop full competence in the English language. Some also provide for the development of competence in the language other than English; the majority of the laws provides for the use of two languages in instruction. All provide for instruction of English, while some provide for instruction of the languages other than English. The number and linguistic abilities of students being served are important considerations in determining the type of program to be instituted, and there are variations within states (such as Alaska and California) as to what type of program a district must provide, depending on the enrollment and linguistic variation of students in need of the program. The major types of programs with respect to language use and outcomes are:

1. programs of instruction in which all required courses are taught both in the language of the students of limited-English-speaking ability and in English, and in which instruction is given in the comprehension, speaking, reading, and writing of the non-English language and of English. These programs may have as their principal goals the development and maintenance of both languages or the development of both languages only until the student has achieved a level of English language ability which will allow him/her to perform at an adequate level in a classroom where instruction is conducted solely in English.

2. programs of instruction in which courses are taught both in the language of the students of limited-English-speaking ability for all or a part of the curriculum, and in English, and in which instruction is given in

the comprehension, speaking, reading, and writing of English. The major goal of these programs is the development of the student's English language ability through the use of both languages until the student is able to perform at an adequate level in a program in which instruction is conducted solely in English.

3. special English language programs in which instruction is conducted in English with special English language instruction for students of limited-English-speaking ability. These may include English as a Second Language programs or High Intensity Language Training programs. The major goal of these programs is the development of the student's English language skills as soon as possible in order to facilitate the student's transition into the regular school program.

4. language other than English as a Second Language programs in which English-speaking students receive instruction in the language of the students of limited-English-speaking ability. These programs may concentrate in the development of oral skills in the non-English language, at least at the lower levels. Instruction in other subjects is conducted primarily in English. The major goal of these programs is to teach another language to English-speaking students.

In addition to language, the legislation has provisions for the use of culture in instruction and for instruction in the culture of the students of limited-English-speaking ability. The majority of the states stipulate that instruction be provided both in the history and culture associated with the native language of the students of limited-English-speaking ability and in the history and culture of the United States. Others provide that instruction be given with sensitivity to and/or appreciation for the cultural heritage of the students. Some states have additional specifications, e.g., New Mexico, which

provide that programs utilize the cultural and linguistic background of the students in the curriculum and that they teach the students to appreciate the value and beauty of different languages and cultures. Utah provides for the teaching of the cultural heritage of the students and the contribution made by that cultural group to the community, state, and country. It further encourages districts to teach the language of the minority to monolingual speakers of English in order to promote a pluralistic concept of America.

Additional provisions of the legislations with regard to bilingual programs are:

- that elective courses may be taught in the language other than English;
- that in courses in which verbalization is not required, such as art, music, and physical education, students participate fully with their English-speaking counterparts;
- that students have an equal opportunity to participate fully with other students in all extracurricular activities;
- that programs be designed to improve attitude and promote a positive self-concept;
- that districts may provide bilingual education pre-school and summer school programs;
- that districts provide programs for dropouts or potential dropouts designed for their retention in school;
- that districts provide bilingual vocational or career education programs;
- that districts provide adult education programs for individuals of limited-English-speaking ability, especially for the parents of children participating in the bilingual programs;
- that children with different non-English primary languages not be combined in the same class;
- that, to the extent practicable, children be placed in classes with others of the same age and level of educational attainment;
- that students may not be assigned to classes in a way which promotes segregation;

- that bilingual programs be located in the regular public schools;

- that programs be designed to promote closer home-school cooperation.

In evaluating a program of bilingual education, the following variables should be considered with respect to the type of program provided:

- the linguistic goals and objectives of the program and the linguistic abilities of the students for whom they are established;

- the use of the non-English language and English in providing instruction in the required courses;

- the use of the non-English language and English in elective courses and in the teaching of history and culture;

- the amount of instruction provided in language arts, comprehension, speaking, reading, and/or writing of the non-English language;

- the amount of instruction provided in language arts, comprehension, reading, and/or writing of English;

- instruction in the history and culture associated with the non-English language and the history and culture of the United States;

- the presence of appreciation for the cultural heritage of the children of limited-English-speaking ability in the instructional process and its presence in the curriculum;

- participation of students in non-verbal courses, such as art, music, and physical education, and in extracurricular activities in the regular school program;

- psychological objectives of the program, such as attitude and self-concept, and the program designed for their accomplishment;

- provision of bilingual programs by the school district when needed in such areas as pre-school, summer school, dropout prevention, vocational education, and adult education, and the nature and content of these programs;

- location of the bilingual program, such as in the regular public schools;

- student composition of the classroom by race, national origin, cultural/ethnic group, language ability, age, and level of educational attainment.

GRADES TO BE COVERED

The grades which may be covered under various programs are important to consider in that these will affect the length of time students will be exposed to the program and may limit the time available to accomplish the program objectives. The majority of the states, however, does not limit the grades which may be served by programs.

Arizona limits the funding to grades K-8, with priority in funding given to grades K-4. Colorado mandates that programs be established in grades K-3. New Mexico funds programs in K-6, with priority given to programs in K-3. Finally, Texas mandates programs in K-3 and will fund programs at the fourth and fifth grades for students who have not progressed sufficiently to participate in the regular school curriculum. Bilingual programs beyond the fifth grade are at the expense of the local school district.

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM

The length of time which students may remain in the program will affect the curriculum which may be instituted, particularly the performance objectives in the non-English language and the rate stipulated for English language acquisition. The majority of the states which have adopted bilingual education legislation do not restrict the length of time for students in the program. Some states, such as Oregon and Wisconsin, explicitly state that students may remain in the program until they can perform ordinary classwork in English. In other states with transitional programs, such a stipulation may be assumed, if not specifically stated.

Nine states, however, specifically limit the time for program participation. Rhode Island stipulates that a child must remain in a mandatory bilingual program for a period of six years unless the child receives a score on an examination of listening comprehension, speaking, reading, and writing of English which reflects a level of English language skills which will enable him/her to perform successfully in regular classes appropriate for his/her age. Arizona limits a student's participation to a maximum of four years. Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New York, and Texas restrict participation to a period of three years, with the provision that a student may be transferred from the program prior to the third year if the student achieves a level of English language skills which would enable him/her to perform successfully in classes given only in English. New York and Texas have provisions for individual students to remain for a period longer than three years with appropriate approvals.

In evaluating a bilingual program, the length of time for which a student has been exposed to the program and the student's entry level with respect to English language ability must both be considered when determining program effect.

STUDENT/TEACHER RATIO

Seven of the legislation groups, including the federal, have made provisions for establishing a maximum student/teacher ratio. Six stipulate that the state or federal education agency set the maximum ratio. Illinois, however, provides in the law that the maximum student/teacher ratio shall not exceed 32:1. The Alaska regulations provide that the maximum student/teacher ratio in the bilingual classrooms shall not be higher than the overall ratio for the district. Colorado stipulates that the class size in grades one through three shall not exceed 28 if no aide is provided; with the assistance of an aide, a teacher may supervise a class which may not exceed 38 students. In kindergarten, the ratio shall be 25:1. Massachusetts stipulates that the class size may not exceed 15 students; and if a paraprofessional is present, it may not exceed 20 students.

In the conduct of an evaluation of a bilingual program, the following questions should be addressed:

1. What is the total number of students enrolled in the class?
2. What is the total number of adults in the class, and what are their positions, e.g., teacher or aide?
3. What effect does class size have on student performance?
4. What is the optimum student/teacher ratio?

TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS

The vast majority of states provides for some minimum standards for teachers, and in some instances for other staff participating in the program. In addition, thirteen states have adopted certification requirements for teachers of bilingual education programs: Arizona, California, Delaware, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Rhode Island, and Texas. Delaware has not adopted legislation pursuant to bilingual education but requires the possession of bilingual certificates for bilingual education teachers.

Generally, the laws require that teachers in bilingual programs be regularly certificated teachers and that they possess a minimum level of educational background. In addition, most states specifically provide for teachers to have competence in both English and the language of the children of limited-English-speaking ability being served by the program. Five states specifically provide for knowledge of the cultural background of the students being served. California and New Mexico provide for teachers to have knowledge of the cultural heritage of the students; Illinois, Minnesota, and Rhode Island stipulate that teachers should share the culture of the students. However, Illinois specifically provides that the determination of the cultural background of the teachers shall not be based solely on ethnic or racial origins.

Training or experience in bilingual education is a frequent requirement, specifically knowledge of bilingual education methodologies. The federal legislation refers to ability and experience in activities to develop listening, speaking, reading, writing, and other academic skills in English and the dominant language of the students. Indiana includes the ability to teach the history and culture of the United States and the native land of the students served. Where teachers are not available with the established qualifications, provisions in the legislation fre-

quently allow for exemptions. However, the expectations are that the temporary staff will gain the competencies required or will be replaced by such teachers.

Provisions are sometimes made for other staff, as in the cases of California, Colorado, and Rhode Island. These include teachers' aides, community coordinators, bilingual counselors, project directors, or bilingual supervisors.

The following are among the areas to be considered in regard to staff qualifications:

1. educational level, including degrees;
2. possession of a regular teaching certificate;
3. possession of a bilingual teaching certificate or endorsement;
4. language ability in English and the native language of the students being served by the program (including literacy);
5. cultural background;
6. knowledge of cultural background of the students, including the ability to teach the history and culture of the United States and the native land of the students (or that of their parents);
7. knowledge of bilingual methodologies;
8. ability to develop language skills in English and the language of the students being served by the program;
9. ability to teach content areas both in the language of the students being served by the program and in English;
10. other areas which may be included in state or local requirements.

STAFF TRAINING

The lack of adequately prepared staff has been one of the greatest obstacles encountered in establishing bilingual education programs. In response to this basic need, most states have made provisions in the legislation for the development of criteria for training program staff. In addition, training is to be provided to develop bilingual education competencies. Individual laws are frequently vague in the nature and content of the training; however, when the various legislations are viewed together, definite patterns emerge. These include the cooperation with institutions of higher education, the participation in short-term institutes or conferences for project staff, the provision of pre-service and inservice training workshops, and the opportunity to observe demonstrations in the classroom and to gain experience through working with experienced project staff.

Institutions of higher education are expected to develop new professional staff. In this respect they are entrusted with the training of teacher trainers, the retraining of credentialed (or certificated) teachers in the field of bilingual education, the training of new teachers to participate in bilingual education, and the provision of career ladder programs for teacher aides and other paraprofessionals. These programs frequently are intended to lead to a teaching credential and/or a bilingual certificate or endorsement.

Short-term institutes and pre-service and inservice training programs are intended to provide staff with added and improved competencies for functioning in the bilingual setting. However, audiences other than bilingual program staff may also be served; for example, federal legislation provides for the training of parents and Minnesota legislation provides for orientation training to the district staff on the goals and values of the bilingual program.

With respect to the content of the training, the laws are

usually general. Some states mandate the inclusion of certain content in the training but stipulate that it is not to be limited to those subjects. The areas recommended or mandated to be covered in the training process include:

- advanced language training in the non-English language for bilingual teachers;
- language training for monolingual English teachers in the language of the children of limited-English-speaking ability;
- development of instructional skills in the use of language in the bilingual setting;
- development of instructional skills in reading, writing, and speaking;
- development of cultural familiarity and understanding of the heritage of the children of limited-English-speaking ability;
- development of the ability to identify, create, and apply techniques to enhance cognitive and psychomotor development in children;
- development of skills in interacting with pupils and adults from the cultural environment of the non-English language;
- development of knowledge of bilingual education and its philosophy;
- development of bilingual/bicultural teaching skills;
- development of bilingual teaching methodologies;
- development of curricula;
- development and statement of instructional objectives;
- training in the methods for reaching instructional objectives;
- development and use of instructional materials;
- training on testing and testing mechanisms;
- training on the effective utilization of existing materials.

In the evaluation of the inservice training component of a

bilingual program, the following variables should be considered:

- the role of the participants in the training;
- the experience and established need of the participants;
- the method by which the training is delivered, e.g., inservice training workshop, courses at an institution of higher education;
- the content of the training, in relation to the participant's need;
- the expected outcome as a result of participating in the training, e.g., bilingual certificate, improved competencies;
- general effectiveness of the training program.

MATERIALS REQUIREMENTS

With respect to materials to be used in bilingual programs, the laws are frequently silent or general in their provisions. Eleven states make no specific stipulation; of the rest, the majority merely provides for their acquisition and development.

The federal legislation provides for the development and dissemination of materials suitable for use in bilingual programs. To this end, provisions have been made for materials development centers as well as dissemination and assessment centers. Federal legislation, in addition, funds a clearinghouse for bilingual education. Likewise, Indiana has made provisions for the development of resource centers. Many states, including Indiana, Michigan, New Jersey, and Texas, have placed responsibility on the state departments of education for the review and evaluation of materials for bilingual education. Alaska specifically provides for the materials to be adequate for achieving the goals of the programs, and that they be educationally and linguistically sound, reflecting the language and culture of the students.

In evaluating a bilingual program with respect to legislative provisions, the following points should be considered relative to materials acquisition and development:

1. the extent to which materials are available for the language and cultural group being served;

2. the adequacy of the materials for accomplishing the program's goals and objectives;

3. the extent to which technical assistance is made available to the program for materials acquisition and development from materials development centers, resource centers, and state departments of education;

4. the resources available at the local level for materials development;

5. the extent to which information is available as to the adequacy of the materials;

6. the use of the materials in the instructional process.

COMMUNITY PARTICIPATION

The majority of the laws has provisions for participation of the community in the bilingual programs. There are considerable differences in the provisions among the states; but when combined, they generally provide for the organization through which the community will participate, the means of selecting the community members, the composition of the community group, and their role in relation to the program.

Generally, the legislation provides that committees be established through which the community can participate in the program. Some committees are to be established at the district level, others at the school level, and in some cases, committees at both district and school levels. New Jersey and Utah do not mandate that committees be established but stipulate that parents be involved in the program. Some states require that the committee members be elected while others provide that they be appointed by the school principal. Massachusetts requires that the committee members be selected in a manner which fairly represents the views of parents in the district.

Most of the laws require that a majority of the committee consist of parents of children participating in the program. In some states, such as Minnesota and Rhode Island, the legislation provides that the parents of limited-English-speaking students and of English-speaking students be in the same proportions as that of the limited-English- and English-speaking students participating in the program. California requires that school level committees be established where the parents of limited-English-speaking pupils are represented to the same degree as their children are represented within the total school population. Other members of the committees may be representatives of community organizations, students in programs serving secondary schools, and school or program staff, such as teachers, teachers' aides, community coordinators, counselors, and project directors. Provisions are sometimes made for representatives

from each language group for which there are programs in the district.

The level of specificity to which the laws define the nature of the community involvement varies considerably among the laws. Generally, the community committees are intended to participate in the planning, implementation, and evaluation of the program. In some cases the community committees must approve the program plan prior to its submittal. Other activities specifically mentioned are the determination of the schools for participation in the program, establishment of the program goals and objectives, selection of program personnel, assistance in the conduct of the district needs assessment, participation in the language assessment process, and dissemination of information about the program. Districts are sometimes specifically required to provide the committees with the information necessary to accomplish their responsibilities; in addition, the districts may provide adult education programs, primarily for parents of children in the program, dealing specifically with the provisions of the program.

In the evaluation of a community involvement component in relation to legislative provisions, the following variables should be considered:

- the organization through which the community systematically participates, such as a school advisory committee and the district advisory committee;
- the process by which committee members are selected for participation, such as by appointment or election;
- the composition of the committee, such as language groups represented, numbers and percentages of parents, other community groups, and educators;
- the nature of the involvement of the community in the program, such as program planning, stating of program goals and objectives, advising the program management during the implementation phase, and participating in the evaluation of the program;
- the provision of adult education programs, and the participation of parents and other community members in them.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

Considerable legislative attention has been given to assessment and requirements for bilingual programs. While the previous sections deal with specific characteristics for program implementation, the evaluation provisions are intended to determine the need for and effect of the program. There are substantial differences in the type of information which is requested, with some states making general provisions for information reporting and others being very specific as to the information to be provided. The development of an adequate evaluation design is frequently a prerequisite for funding.

Information on the need for bilingual education is a common provision. Generally, needs assessments in some states call for information on the numbers of limited-English-speaking students in the educational system and on the numbers of those to be served by the proposed programs. Others, such as Colorado and Minnesota, require additional information. Colorado stipulates that the state department of education shall provide information on student dropout, retention, special education placement, achievement performance, and other such information. Minnesota includes information on age, language, race, national origin, and family income of students of limited-English-speaking ability and their concentrations in schools. In addition, it requires information concerning achievement scores, mobility rates, dropout rates for limited-English-speaking students in comparison with average district figures, and the placement rate of these students in classes for the handicapped. Needs assessments, then, may provide information not only on the numbers of limited-English-speaking students present but also on the educational experiences or conditions of these children within the school system.

Perhaps the most difficult area and that in which there is the greatest difference is in student assessment. Students must be assessed to establish their eligibility for the program

and to determine progress in the program. Lack of adequate instruments has been the most pressing constraint in the effective assessment of students. States allow for various approaches to the selection of instruments. In some instances the local school district is permitted to select or develop its own instruments; in others, the district must present the rationale for selecting a particular instrument. Sometimes the local level may select an instrument only from a pool of instruments approved by the state, and in others, the school districts must use state-mandated instruments.

The assessment of students to determine eligibility for the program must be done with reference to the definition of students to be served. Inasmuch as these definitions vary, so must the assessment process. For example, the assessment must consider whether eligibility is to be based on the following items: home language use; language dominance or language proficiency; oral language only, or reading and writing ability as well; and/or student achievement, including the use of norms.

Substantial differences exist in the provisions for identifying students. Some laws are general in their requirements. For example, the federal legislation requires that school districts describe only how and when students were assessed to determine limited-English-speaking ability. Local education agencies must provide a description of the instrument, a rationale for its selection, and the procedures to be followed in its use. Colorado requires that the instruments be normed for the geographic area and that they be valid for identifying students with linguistically different skills, and Minnesota stipulates that the instruments must be selected and administered so as not to be racially or culturally discriminatory.

Some states are more specific in their assessment provisions. Michigan requires the assessment of English language proficiency with instruments approved by the state. New Jersey requires the assessment of oral comprehension, speaking, reading, and writing of English. Texas provides for the use of measures of English language proficiency which may be objective and which compare

the child's language with that of a typical English-speaking student of the same age. Subjective measures such as teacher opinion, peer interaction, and parent information are also included. In addition to information on language proficiency, Wisconsin provides for the use of information such as reading and arithmetic skill levels and other course grades of limited-English-speaking students relative to their classmates in order to indicate a lack of progress because of limited-English-speaking skills. Alaska specifically requires the use of a parent questionnaire to identify students who speak a language other than English; a language assessment instrument is administered to students identified in the language observation questionnaire. In addition, achievement information is to be provided for students who are fully bilingual or who reflect the grammatical structure of another language in their use of English.

Once students have been selected for the program, they must be assessed to determine program effectiveness, and in some instances to determine when students are ready to enter into the regular school curriculum. Most states require an annual assessment of students; the federal and California legislations specifically require pre- and posttesting. The areas to be assessed include basic skills, listening comprehension, speaking, reading, and writing of English, and in California, of the other language to the extent that instruments are available. Uniquely, the federal regulations specifically require the comparison of performance of children participating in the program with what their performance would have been in the absence of the program. A program that chooses to base this comparison on the performance of non-participating but similar children must provide a description of the methods used to identify such non-participating children. The federal regulations also specifically require the use of mean scores, standard deviations, and appropriate tests of statistical significance in reporting the results for all participating children and the comparison group, should one be used.

Besides student assessment, general provisions are made in the legislation for program evaluation. Arizona, Illinois, and New

Mexico provide for reporting the extent to which the program objectives were achieved. Minnesota provides for a comprehensive evaluation which includes the assessment of pupil achievement, educational processes, and the results of establishing the program, as well as the attitudes of the people involved in and affected by the programs. Texas provides for an evaluation plan which would include process and product evaluation, management, parental and community involvement, staff development, materials development, acquisition, and use. Wisconsin includes the reporting of per pupil costs of the program. Connecticut requires the certification that funds have been used for the specified purposes. California provides that, in addition to an evaluation of pupil progress, programs must identify variables which may have affected student academic achievement, including other programs.

Provisions are also made for the collection and dissemination of information by the state education agencies. These may include information on the theory and practice of bilingual education, exemplary or innovative pre- and inservice training programs, and adequate tests and testing mechanisms. This information is to be disseminated to school districts to aid in the operation of local programs. The nature, extent, and adequacy of this technical assistance system should be considered in the evaluation insofar as the technical assistance received by the program would affect its implementation.

Finally, provisions are made for the reporting of the evaluative information to specific populations. These include reports from the state education agency to the governor and the legislature, to the local school districts, and to the public. Reports must also be submitted by the local education agency, as in the case of Colorado, which requires the submission of reports to the state education agency, district patrons, staff members, the local accountability committee, and the local board of education.

In summary, the evaluation provisions of the legislation may include:

1. the conduct of a state or local needs assessment for bilingual education which may include:

   a. the numbers of students eligible for the program present in the district including language and age;

   b. the distribution or concentration of these students by school;

   c. achievement levels of these students;

   d. educational placement of these students, such as in special education classes and classes for the handicapped;

   e. student dropout and retention rates;

   f. demographic information, such as national origin, race, family income level, SES, and mobility rates;

2. student assessment which would include:

   a. development of criteria for student assessment;

   b. specification of criteria for instrument selection and/or development;

   c. the assessment of language use such as home language, peer interaction, and language use in the classroom;

   d. the assessment of oral language, which may include language proficiency, language dominance, listening comprehension, and oral production;

   e. the assessment of student achievement, which may include reading and writing ability, course performance, and basic skills;

   f. the conduct of appropriate statistical analyses and use of appropriate reporting procedures suitable for the audience addressed;

3. program evaluation information which would include:

   a. program implementation information, which would show staffing patterns, teaching methodology, etc.;

   b. the numbers of students served, including language classification, sex, age, and grade levels;

   c. achievement of the objectives established for the program;

d. the attitudes of people involved in or affected by the program;

e. program management;

f. staff development;

g. community involvement;

h. materials development, acquisition, and use;

i. per pupil costs of the program and other cost information including use of funds;

j. other programs affecting students at the local level;

k. availability of technical assistance and other resources;

4. reporting requirements which may include:

a. the president, governor, or the legislature;

b. state education agency;

c. local school board;

d. school district administration;

e. project administration;

f. project staff;

g. students;

h. parents of students served;

i. the local community and the public at large.

STATE-BY-STATE SUMMARY OF LEGISLATIVE PROVISIONS

FEDERAL

LAW	Public Law 93-380
DATE PASSED	August 1974
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Individuals of limited-English-speaking ability, individuals who were not born in the United States or whose native language is a language other than English, and individuals who come from environments where a language other than English is dominant, and by reasons thereof, have difficulty speaking and understanding instruction in the English language. The term "native language," when used with reference to an individual of limited-English-speaking ability, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child. One of the criteria to be taken into consideration in providing assistance under this law is the relative numbers of persons from low income families sought to be benefited by such programs. Funds are to be made available to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	A program of bilingual education may make provisions for the voluntary enrollment to a limited degree therein, on a regular basis, of children whose language is English in order that they may acquire an understanding of the cultural heritage of children of limited-English-speaking ability

for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to the children whose native language is other than English.

CENSUS — Not Stated

CENSUS MANDATE — Not Stated

DESCRIPTION OF PROGRAM — A program of bilingual education is a program of instruction designed for children of limited-English-speaking ability in elementary or secondary schools in which, with respect to the years of study to which such program is applicable:

1. there is instruction given in, and study of, English and, to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children of limited-English-speaking ability;
2. such instruction is given with appreciation for the cultural heritage of such children;
3. with respect to elementary school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system.

In such courses or subjects of study as art, music, and physical education, a program of bilingual education shall make provisions for participation of children of limited-English-speaking ability in regular classes.

Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to ensure that each child is provided with instruction which is

	appropriate for his or her level of educational attainment. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.
GRADES TO BE COVERED	Such programs will be carried out in elementary and secondary schools including activities at the preschool level.
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not stated. However, the "Rules and Regulations" stipulate that the duration of the project (as assisted under this law) shall be only for the minimum period determined by the commissioner to be needed to carry out the demonstration or other approved objectives of the program.
STUDENT/TEACHER RATIO	The commissioner shall establish, publish, and distribute, with respect to programs of bilingual education, suggested models with respect to student/teacher ratios, teacher qualifications, and other factors affecting the quality of instruction offered in such programs.
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	The "Rules and Regulations" stipulate that, in evaluating applications for assistance, the commissioner shall consider the extent to which the proposed program includes an adequate staffing plan and will employ the services of persons with proficiency in the dominant language of participating children of limited-English-speaking ability and experience in carrying out activities designed to develop listening, speaking, reading, writing, and other academic skills in the English language and in the dominant language of such children.
STAFF TRAINING	The commissioner shall provide for: 1. training, carried out in coordination with any other programs training auxiliary educational personnel, designed a. to prepare personnel to participate in, or personnel participating in,

the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility;

b. to train teachers, administrators, paraprofessionals, teacher aides, and parents;

c. to train persons to teach and counsel such persons;

2. special training programs designed

a. to meet individual needs;

b. to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education;

3. the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs.

In addition, the commissioner is authorized to award fellowships for study in the field of training teachers for bilingual education.

MATERIALS REQUIREMENTS

The Commissioner (of Education) and the Director (of the Office of Bilingual Education) shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations, develop and disseminate instructional materials and equipment suitable for use in bilingual education programs, and establish and operate a national clearinghouse of information for bilingual education.

Materials development centers shall undertake the development of instructional materials for use in programs of bilingual education in the designated service area and the development of instructional materials for use by institutions of higher education in preparing persons for vocations in the field of

bilingual education.

COMMUNITY PARTICIPATION

An application for a program of bilingual education shall be developed in consultation with parents of children of limited-English-speaking ability, teachers, and where applicable, secondary school students, in the areas to be served, and assurances shall be given in the application that, after the application has been approved under this title, the applicant will provide for participation by a committee composed of, and selected by, such parents, and, in the case of secondary schools, representatives of secondary school students to be served.

Funds shall be made available for adult education programs related to the purposes of this title, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The "Rules and Regulations" stipulate that applications for assistance shall contain information on the number and percentage of children of limited-English-speaking ability enrolled in the schools and the number of such children and children of other than limited-English-speaking ability to be served by the proposed program. They should include a description of when and how the applicant identified the children of limited-English-speaking ability for whom the program is designed, measured the extent of such children's lack of competence in the English language, and otherwise assessed the needs of such children.

The application must contain a description of the evaluation design of the proposed program. Such evaluation design shall include provisions for assessing the applicant's progress in achieving the objectives set out in its application for assistance. The evaluation design shall also include the following:

1. provisions for comparing the performance of participating children on tests of reading skills in English and in the

language other than English to be used in the proposed program with an estimate of what such children's performance would have been in the absence of the program. Where the applicant chooses to base such estimate on the performance of non-participating but similar children on such tests, the evaluation design shall include a description of the methods used to identify non-participating but similar children for such purposes;

2. a description of instruments of measurement to be used by the applicant in evaluating the performance of participants in the program, the rationale for selecting these instruments, and procedures to be followed in their use;

3. provisions for reporting pretest and posttest results on reading tests for all participating children (and, where their performance is compared with the performance of non-participating but similar children, for all such non-participating children) using mean scores, standard deviations, and appropriate tests of statistical significance. No application which fails to include the elements of an evaluation design described in this paragraph will be approved for assistance.

ALASKA

LAW

Alaska Statutes: Title 14, Chapter 30, Article 4 - 400, 410

The Alaska legislation provides for a census mandate and funding for bilingual education programs. The other provisions found in this summary are taken from the *Regulations for Bilingual/Bicultural Programs.*

DATE PASSED

1975

TYPE OF PROGRAM

Maintenance/transitional

POPULATION TO BE SERVED

The Alaska "Regulations" require that students be assigned to one of the following categories:

A students who speak a language other than English exclusively;

B students who speak mostly a language other than English, but also speak some English;

C students who speak a language other than English and English with equal ease;

D students who speak mostly English but also speak a language other than English;

E students who speak English exclusively but whose manner of speaking reflects the grammatical structure of another language;

F students who speak English exclusively but do not fit category E.

Appropriate programs must be provided for the following students:

1. all students in categories A and B;
2. those students in categories C, D, and E whose overall achievement is at or below (a) minus one standard deviation on a normed test; or (b) one year below grade level as measured by the district's

ongoing student achievement testing program.

PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	Before December 1, 1977, and by November 1 of each subsequent year, each school district shall carry out an identification and assessment of language dominance for the purpose of categorizing each student in the district in categories A-F (above). Following the initial assessment, districts shall identify and assess all students new to the district within 30 days of their enrollment in school.
CENSUS MANDATE	Each school district with a school attended by eight or more category A-D students who speak the same language other than English, or eight or more category E students for whom an educational program is required shall file with the department, by March 15 of each school year, a plan of educational service which complies with the provisions of this chapter. For bilingual/bicultural students in schools with fewer than eight students in one or more of the categories A-E for whom a program must be provided, districts shall either provide those students with a curriculum as set out under "Description of Program" or individually meet the needs of each of those students by means of one-to-one tutoring and assistance.
DESCRIPTION OF PROGRAM	A *bilingual/bicultural curriculum* means a program of instruction which makes use of a student's language other than English and cultural factors and maintains and develops the student's skills in the language and the culture. Additionally, it introduces, develops, and maintains all the necessary English skills for the student to function successfully in English. The language other than English instruction may vary from being in the language arts of the language other than English to being in all discipline areas, with the appropriate combination of language other than English and English instruction determined by the district in conjunction with the parents of its bilingual students.

A *transitional bilingual/bicultural curriculum* means a program of instruction which makes use of a student's language other than English and cultural factors in instruction only until the student is ready to participate effectively in the English language curriculum of the regular school program. Once this occurs, further instruction in the language other than English is discontinued. Until the student is ready to participate effectively in the English language curriculum of the regular school program, instruction in the language arts of the language other than English is provided, and English is taught as a second language.

An *English as a second language curriculum* means a program of instruction which teaches English as a second language, has culturally relevant material in its curriculum, and provides instruction in other subject matter in English.

A *high intensity language training curriculum* means a program of instruction which gives a student intensive instruction in English until that student is ready to participate effectively in the English language curriculum of the regular school program, with the student working exclusively on acquisition of English language skills. Following acquisition of those skills, the student is phased into the same curriculum as that provided to the district's non-bilingual students.

A *supplemental English skill and concept development curriculum* means a program of instruction in which the instructional content and methods address the language interference needs of students by appropriately supplementing the curriculum provided to the district's non-bilingual students.

A *language other than English as a second language curriculum* means a program of instruction which teaches the student's language other than English as a second language. At the primary level, emphasis is on oral language skill development. At the intermediate and secondary levels, language literacy instruction would begin after oral skills are learned. Instruction in other

	subject matter is conducted in English. At all levels, a special effort is made to maximally incorporate the student's non-English culture into the curriculum.
GRADES TO BE COVERED	K-12
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	The student/teacher ratio for the district's bilingual program may not be higher than the overall student/teacher ratio for the district.
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Districts shall ensure that the skills of their instructional staff are commensurate with the type of programs selected. If regularly certified (Type A) teachers who are appropriately bilingual cannot be obtained, bilingual instructors may be used to implement the program. However, if bilingual instructors are used: 1. the district shall implement an action plan to train or otherwise secure certificated (Type A) teachers who are bilingual in the other than English languages for which the district offers its program; and 2. the district shall ensure that the salaries of its bilingual instructors are commensurate with the level of responsibilities and duties performed by them and with their training and experience.
STAFF TRAINING	Each district shall develop a staff training plan for all bilingual program instructional personnel, both permanent and temporary, which includes, but is not necessarily limited to: 1. objectives which are directly related to the needs of the students; 2. methods by which those objectives can be reached;

3. methods for selecting teachers, paraprofessionals, and potential teachers for training;
4. the names of individuals who will conduct training;
5. the location of the training;
6. content of the training, including as one element linguistic/cultural familiarity with the students' background;
7. a design for evaluating the training;
8. a proposed time frame for carrying out the training plan.

As part of the plan of service, each district shall set out specific recruitment and selection processes for its bilingual program staff and shall establish, through cooperative agreements with institutions of higher education, and make available a career ladder for its bilingual paraprofessionals which leads to regular (Type A) certification.

MATERIALS REQUIREMENTS

A district shall provide adequate instructional material to support and achieve the goals of the instructional programs selected. If adequate materials are not available, the district shall establish an action plan for developing or otherwise securing needed materials. The district plan should involve classroom teachers--individuals who are native to the target language and culture--and linguistics in the development and review of materials, thereby ensuring that the materials are educationally and linguistically sound and that they are an accurate reflection of the appropriate language and culture.

COMMUNITY PARTICIPATION

Districts shall provide for the direct involvement of the parents of bilingual/bicultural students and other members of the community in the initial development and subsequent evaluation and improvement of the program, including providing sufficient information and allowing adequate time for the parents to review and discuss all aspects of the program with responsible district personnel.

Districts shall conduct an informational program for parents of students and other members of the community in each language group for which a program is or will be conducted. This program includes notices in appropriate media and language as well as community meetings.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The student identification and assessment process intended to categorize students in categories A-F (see Population To Be Served) shall consist of:

1. informing parents through workshops, public meetings, or public announcements, of purpose and importance of both the assessment procedure and the development of bilingual/bicultural programs and of the necessity for complete and accurate data on the parent questionnaire, and how to complete the questionnaire which they will be asked to complete;

2. selecting, orienting, and training qualified persons to administer the assessment instruments and evaluate results;

3. providing a questionnaire, reviewed and accepted by the department, to the parents or guardians of each student and ensuring that the questionnaire is completed and returned. If the results of the parent questionnaire clearly indicate a category F student and if the student's teacher or teachers agree that the child is not in categories A through E, the district may identify that student as being in category F and need not carry out the remaining steps of the assessment process for that student;

4. using a language observation questionnaire, reviewed and accepted by the department, and conducted by a person who is bilingual in the student's home or primary language which is other than English, for all students not initially identified as being in category F. Based on the results of this instrument and the parent questionnaire, a student shall be tentatively identified as being in one of the six language categories;

5. administering a language assessment instrument, which has been reviewed and accepted by the department, to all students tentatively identified by using the language observation questionnaire as being in categories A through D. Following administration of this instrument, the student shall be identified as being in that category which reflects the least degree of English facility as established by the three assessment instruments;

6. reviewing the results of the parent questionnaire and language observation questionnaire for those students tentatively identified on the language observation questionnaire as being in categories E and F and modifying those results as necessary with systematic or prior observation by the staff of the students' school and identifying those students as being in category E or F.

Each district shall submit to the department, no later than December 1, 1977 for the initial assessment required, and by November 1 of each subsequent year, a compilation and analysis of its assessment data.

Each district shall establish a procedure for evaluating annually the components of its program as set out in its annual plan of service. This procedure shall include, but not necessarily be limited to, collecting information concerning the progress of students enrolled in the program.

The district plan must also provide a process for re-evaluating the needs of each student in the program on an on-going basis with reassignment to another curriculum or individualizing of instruction occurring as necessary to ensure appropriate educational services.

ARIZONA

LAW	House Bill 2208
DATE PASSED	May 1973
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Pupils who are having difficulty with the oral English language or have difficulty in writing, speaking, or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Students who speak primarily English are not eligible to participate in the Bilingual Instruction and Special English training programs.
CENSUS	Not Stated
CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	A school district may provide a special course of bilingual instruction or oral English training for common school pupils to expand the minimum curriculum and satisfy district goals and objectives. It may also, in cooperation with another district, establish special classes of oral English or bilingual instruction. *Bilingual instruction* is defined as instruction through the media of English and another language for understanding, speaking, reading, and writing English. *Special English training (oral English)* is defined as teaching English to children who come from environments where the dominant language is other than English, via the audio-lingual approach, in order to develop fluent, independent speaking ability

	in English with facility in comprehension of spoken English. The special class or classes may be conducted by the school district in a classroom or school facility owned and maintained by the school district, or the school district may contract with other public agencies, within or without the district, for the use of facilities in which to further the education of children who are having difficulty with oral English, or children who come from environments where the dominant language is other than English.
GRADES TO BE COVERED	K-8 with priority of funds to be given to grades K-4
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Maximum of four years
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	(Taken from Administrator's Guide for Bilingual Instruction and Special English Training) 1. Possess a valid certificate from State Department of Education. 2. Have communicative skills (speaking, reading, writing) in English and language of pupil's home environment. 3. Have received instruction and training from a two or four year institution of higher learning, especially and specifically designed to prepare teachers to instruct in bilingual programs.
STAFF TRAINING	The following examples are education activities for the training background of bilingual teachers (taken from *Administrator's Guide*). 1. Teachers should be required to study about pupils who come from environments where the dominant language is other than English, in concert with the language

which is applicable to the teacher's communicative skills, which would include the use of materials and techniques specifically designed for the background interest and life experience of the pupil.

2. Teachers should be required to take such courses which would give them (a) understanding of the pupil's heritage, (b) ability to facilitate the fullest possible development of the pupil's potentials, and (c) skill in interacting positively with pupils and adults who come from environments where the dominant language is other than English.

3. Teachers should be required to do some of their practice teaching in settings with bilingual pupils and under the supervision of a teacher who has demonstrated skills in teaching such pupils.

MATERIALS REQUIREMENTS

Not Stated

COMMUNITY PARTICIPATION

Not Stated

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

A test must be administered by each common school district for the purpose of identifying children who are in need of Bilingual Instruction and Special English Training. The selection of the instrument is left to the school district. The needs for Bilingual Instruction and Special English Training are to be supported by data from this testing program.

Oral testing may be used as an additional procedure for the selection of students. The interviewer of the child shall document "all characteristics" which support his judgment that the child be enrolled in such program.

School districts shall indicate the specific objectives of the language program in that district and shall specify the evaluation procedures and criteria to be utilized in

determining the attainment of each individual objective. (In the review of applications, heavy emphasis will be placed on the degree to which evaluation procedures have been developed.)

CALIFORNIA

LAW	Assembly Bill 1329
DATE PASSED	September 14, 1976
TYPE OF PROGRAM	Maintenance/transitional. The legislation mandates under certain conditions the establishment of programs where the "basic language skills (are) developed and maintained in both languages." It also provides for the establishment of language programs "which will enable the pupil to achieve competency in both languages." However, under the provision for the language census the law requires that, "Each school district shall further report the total number of pupils who have benefited from instruction pursuant to this chapter to the extent that they are no longer limited-English-speaking...."
POPULATION TO BE SERVED	"Limited-English-speaking pupils" are pupils who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English. "Non-English-speaking pupils" are pupils who communicate in their primary language only, or who communicate in English at a level which does not enable them to participate meaningfully in an educational setting where only English is used. ("Primary language" is defined as a language other than English which is the language the pupil first learned or the language which is spoken in the pupil's home.)
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not more than two-thirds of the pupils enrolled shall be limited-English-speaking pupils.

CENSUS

A census shall be conducted in every district each year to ascertain the number of limited-English-speaking pupils within a district. It requires an assessment on a language dominance survey instrument of all pupils whose primary language is other than English. (The State Department of Education has adopted the San Diego Observation Assessment Instrument for identifying limited-English-speaking and non-English-speaking pupils.)

CENSUS MANDATE

Each limited-English-speaking pupil enrolled in the California school system in kindergarten through grade 12 shall receive instruction in a language understandable to the pupil, recognizing the pupil's primary language and teaches the pupil English.

In kindergarten through grade six, whenever the language census indicates that any school of a school district has 10 or more non-English-speaking pupils or 15 or more limited-English-speaking pupils with the same primary language in the same grade level, or in the same age group, in a multigrade or ungraded instructional environment, the school district shall offer a "full bilingual instruction" program or "bilingual-bicultural education." (See "Description of Program" below.) Whenever the language census indicates that any school of a school district has 10 or more limited-English-speaking pupils with the same primary language in the same grade level, or in the same age group, in a multigrade or ungraded instructional environment, the school district shall offer "partial bilingual instruction," "full bilingual instruction," or "bilingual-bicultural education."

In kindergarten and grades one through twelve, limited-English-speaking pupils who are not enrolled in a program which is "partial bilingual instruction," "full bilingual instruction," or "bilingual-bicultural education" shall be individually evaluated and shall receive educational services identified as an "individual learning program" (See "Description of Program") in consultation with the pupil, parent, parents, or guardian of the pupil.

DESCRIPTION OF PROGRAM

Bilingual programs instituted pursuant to this legislation are to be one of the following:

1. *Partial bilingual instruction* means listening, speaking, reading, and writing skills developed in both languages. Material related to culture and history is taught in the language the pupil understands better.

2. *Full bilingual instruction* means basic language skills developed and maintained in both languages. Instruction in required subject matter or classes is provided in both languages in addition to culture and history.

3. *Bilingual-bicultural education* is a system of instruction. It is a means of instruction which builds upon and expands the existing language skills of each participating pupil, enabling the pupil to achieve competency in both languages. This instruction shall include:

   a. daily instruction in English, language arts, listening, speaking, reading, and writing;

   b. language development in the pupil's primary language;

   c. reading in the pupil's primary language;

   d. selected subjects taught in the pupil's primary language;

   e. development of an understanding of customs and values of the cultures associated with the languages being taught as well as an understanding of the history and culture of California and the United States.

4. *Individual learning program* consists of any program of instruction for a limited-English-speaking pupil in which instruction is offered in a manner consistent with the United States Supreme Court decision in *Lau v. Nichols*, the Equal Educational Opportunities Act of 1974, and federal regulations promulgated pursuant to such court decisions and federal statutes.

GRADES TO BE COVERED	K-12
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	*Teachers*: must hold a valid, regular California teaching credential and must hold either a bilingual/crosscultural certificate of proficiency or other credential in bilingual education authorized by the Commission for Teacher Preparation and Licensing or a bilingual/crosscultural specialist credential. Shall be fluent in the primary language and familiar with the cultural heritage of limited-English-speaking pupils. Shall have working knowledge of methodologies which must be employed to educate those pupils effectively. *Teacher Aides*: must be fluent in both English and the primary language of the limited-English-speaking pupil or pupils. Shall be familiar with the cultural heritage of limited-English-speaking pupils.
STAFF TRAINING	Staff training will include: 1. teacher and aide pre-service training which will identify and improve knowledge levels of each teacher and aide in teaching methodology and bilingual/crosscultural philosophy and education; 2. teacher and aide inservice training program that is linked with an institution of higher education, which will include the establishment of a liaison with a nearby institution of higher education and the solicitation of help from such an institution to upgrade continually the bilingual/crosscultural education program; 3. provision of the opportunity for bilingual/crosscultural aides to enroll in a

career ladder program leading toward a single- or multiple-subject teaching credential and a certificate of competence in bilingual/crosscultural education.

MATERIALS REQUIREMENTS

Funds are made available for purchase and development of special bilingual/bicultural teaching materials.

COMMUNITY PARTICIPATION

Each school district with more than 50 limited-English-speaking pupils shall establish a district-wide advisory committee on bilingual education. Parents or guardians of limited-English-speaking pupils shall constitute a majority of the committee, unless the district designates an existing district-wide advisory committee on which parents or guardians of limited-English-speaking pupils have membership in at least the same percentage as their children represent of the total number of pupils in the district, provided that a subcommittee on bilingual/bicultural education is established where the parents of such children constitute a majority. This committee shall be responsible to advise the district governing board regarding:

1. the establishment of a timetable for development of a district master plan for bilingual education;
2. the conduct of a district-wide needs assessment on a school-by-school basis;
3. the establishment of district program goals and objectives on bilingual education;
4. making recommendations as to which schools to include in each phase of expansion;
5. the development of a plan to ensure compliance with teacher requirements;
6. the administration of the annual language census.

Each school with more than 20 limited-English-speaking pupils shall establish a school advisory committee on which parents and guardians of limited-English-speaking pupils

constitute membership in at least the same percentage as their children represent of the total number of pupils in the school. Each school advisory committee shall be responsible for advising the principal and staff in the development of a detailed master plan for bilingual education for the school and submitting the plan to the governing board for consideration for inclusion in the district master plan. It shall also be responsible for assisting in the development of the school needs assessment and language census.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

In addition to the assessment done pursuant to the mandated language census, at the beginning of each school year the district shall assess each limited-English-speaking pupil. The pupil's achievement in comprehending, reading, and writing English and, to the extent assessment instruments are available, the second language of instruction shall be assessed. Pretesting of basic skills for pupil participants shall be conducted at the beginning of each school year, and posttesting of basic skills for pupil participants shall be conducted at the end of each school year. At least annually there shall be submitted to the Department of Education an evaluation of pupil progress for every program which has been approved pursuant to this chapter. The evaluation report shall identify variables, including other programs, which may have affected pupil academic achievement. It shall also include, but not be limited to, reading comprehension and speaking skills in English and, to the extent assessment instruments are available, the primary language.

COLORADO

LAW	House Bill 1295
DATE PASSED	November 1975
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Students with linguistically different skills--students who are not able to take full advantage of present educational programs taught in English because of their language skills and who come from an environment of different customs and traditions which may include the influence of another language in their family, community, or peer group.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	A district's program shall give preference to students with linguistically different skills, but said programs shall also be open to all other students.
CENSUS	Each district shall annually conduct a census on or before October 15 or within thirty days after registration to ascertain and identify the number of school-age children in grades kindergarten through third with linguistically different skills residing within its boundaries in accordance with rules, regulations, and procedures adopted by the state board of education.
CENSUS MANDATE	A district *shall* develop a plan for bilingual/bicultural education program in a school having fifty or more students in grades kindergarten through third with linguistically different skills. A district *may* develop a plan if there are fewer than fifty students or if less than ten percent of the students in a school in grades kindergarten through third have linguistically different skills.

DESCRIPTION OF PROGRAM

A bilingual and bicultural program shall be a full time program of instruction in which appropriate subjects shall be given in the language of the students with linguistically different skills and in English; in which the necessary skills of comprehension, speaking, reading, and writing, are taught in both languages; and in which the history and cultural contributions associated with the language of the students with linguistically different skills and in the history and culture of the U.S. are presented to the students in the languages which reflect the culture of the students in the classroom.

The program shall be located in the regular program of the public schools and not in a separate program, students shall be assigned to schools so as to have the effect of integrating students, and students shall have an equal and meaningful opportunity to participate fully with other students in all extracurricular activities.

Programs should be directed toward the achievement of the following objectives:

1. improved performance in comprehension, reading, and writing and speaking the English language;
2. improved school attendance and a reduced dropout rate;
3. development of a positive self-concept and attitude;
4. greater parental involvement in the school programs.

In addition, districts may provide tutorial programs for children who speak only a language other than English. The school district must develop a comprehensive plan for a tutorial program designed to effectively remedy the English language deficiencies of children identified. The tutorial program plan should include an accountability component which identifies the needs of the children with English language deficiencies, defines measurable objectives, and evaluates the progress of such children toward the defined objectives. No funds appropriated to implement these programs shall be used to teach any language other than English.

GRADES TO BE COVERED	K-3
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Class size for bilingual/bicultural programs grades one through three shall not exceed 28 if no aide is provided. A certificated bilingual teacher may supervise a class not to exceed 38 when assisted during instructional activities by a bilingual paraprofessional. In kindergarten the ratio shall not exceed 25:1. If a district wishes to implement an alternative criterion, for example, a ratio of 20:2 by the addition of an aide to the class, it is the district's responsibility to notify the department of this intent. The notification shall state the rationale for assuming that the alternative has promise for school development.
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	An affirmative effort shall be made by the school board of any district establishing a bilingual/bicultural program to seek, recruit, and employ personnel who are bilingual: *Teachers*: certificated under Colorado law, they must have competence in the areas of comprehension, speaking, and writing in the two languages used and training or experience in teaching methods specifically related to these four areas of skill in each language. Teachers should develop bilingual education competencies through inservice training. *Teacher Aides*: districts may employ teacher aides, but they shall not be employed for the purpose of supplanting bilingual teachers. *Community Coordinators*: districts shall employ community coordinators if there are fifty or more students enrolled in the program. They shall promote communication, understanding, and cooperation between the public schools and the community and shall visit the homes of children enrolled in the program.

District Director: a district shall employ a district director if there are a hundred or more students enrolled in the program. The director shall be qualified pursuant to the rules and regulations of the state board of education as a bilingual teacher.

Supervisor: districts with fewer than one hundred students enrolled in the program shall appoint a supervisor who shall have the general authority and responsibility for the program. The supervisor shall be qualified as a bilingual teacher.

STAFF TRAINING

The department shall allocate money for inservice training to districts employing teachers for bilingual/bicultural programs. Inservice training shall include, but not be limited to:

1. development of instructional skills in reading, writing, and speaking;
2. development of bilingual/bicultural teaching skills;
3. development of abilities to identify, create, and apply instructional techniques that will enhance cognitive and psychomotor development of children in bilingual/bicultural education programs;
4. demonstration of teaching skills relative to bilingual/bicultural education.

The department shall allocate money to districts employing teacher aides for the purpose of inservice training sessions so that said teacher aides can acquire credit hours from an accredited community or junior college or four year institution of higher education towards the acquisition of a degree. Inservice training for aides shall include, but not be limited to:

1. development of personal skills in reading, writing, and speaking;
2. opportunities to develop general teaching skills;
3. opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual programs;

4. opportunities to demonstrate practice-teaching skills relative to bilingual/bicultural education.

MATERIALS REQUIREMENTS

Not Stated

COMMUNITY PARTICIPATION

Districts should provide for the maximum involvement of parents of students enrolled in the program. Accordingly, a regular community bilingual/bicultural committee shall be established within each district offering a bilingual/bicultural program. The parents of students enrolled in the program shall elect at least seventy-five percent of the regular committee. The parents elected shall be parents of students enrolled in the program. In addition to the parent members of each committee, a representative of the bilingual teachers, a representative of the bilingual teacher aides, the community coordinator, and the district director or supervisor shall be members.

The committee will participate in planning, developing, and evaluating the program. The district shall furnish each member of the community committee with such information as is reasonably necessary for the effective involvement of the committee, to include the law, the rules and regulations, and guidelines of the state steering committee, the district's proposed application, the districts' and departments' plans for future bilingual/bicultural programs, information on the educational needs of children with linguistically different skills, evaluations of prior programs, and the performance criteria by which the programs are to be evaluated.

Each plan shall contain an assurance that the appropriate district official will consult at least once a month during the regular school year with the community committee with respect to the administration and operation of a program and that it will provide such committee with a reasonable opportunity to periodically observe and comment upon all program-related activities.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The state board of education shall:

1. approve all tests, criteria, identification instruments, and procedures used by districts;
2. ensure that said tests, criteria, identification instruments, or procedures are normed for relevant geographical areas;
3. ensure that said tests, criteria, identification instruments, and procedures are valid for the purpose of identifying students with linguistically different skills.

The department of education has the duty to:

1. study, review, evaluate, and disseminate to all districts on an annual basis, information on student dropout, retention, special education placement, achievement performance, and such other information as the unit deems relevant;
2. study, review, evaluate, and disseminate all successful and innovative pre-service and inservice programs for staffs.

The district shall:

1. submit a program evaluation plan with its program comprehensive plan;
2. state the methods to be used for dissemination of program needs and progress to district patrons, staff members, the local accountability committee, and local board of education;
3. submit a final evaluation report of the previous year's program to the state department of education no later than August 1 of each year.

CONNECTICUT

LAW	House Bill No. 6371
DATE PASSED	July 1977 (Census goes into effect in July, 1977; the rest of the provisions become effective July 1, 1978)
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Children whose dominant language is other than English and whose proficiency in English is not sufficient to ensure equal educational opportunity in the regular school program. Instruction may be given in any language other than English to any pupil who, by reason of foreign birth, ancestry, or otherwise, experiences difficulty in reading and understanding English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	On or before November 1, 1978, and annually thereafter, the board of education for each school and regional school district shall ascertain, in accordance with regulations established by the State Board of Education, the eligible children in such school district and shall classify such children according to their dominant language.
CENSUS MANDATE	Whenever it is ascertained that there are in any public school within a local or regional school district 20 or more eligible children classified as dominant in any one language other than English, the board of education of such district *shall* provide a program of bilingual education for such eligible children for the following school year.

DESCRIPTION OF PROGRAM

A *Bilingual Program* will be a program of instruction in which eligible children are placed until such time as such children attain a level of proficiency in English that will ensure them equal educational opportunity in the regular school program, including, but not limited to, educational experiences to enable eligible children to become proficient in English, subject matter instruction in the dominant language of eligible children, and provision of opportunities for eligible children to participate with and learn from other linguistic and cultural backgrounds.

Each board of education shall determine when instruction shall be given bilingually and biculturally. Such programs may include, but shall not be limited to, components designed to:

1. provide bilingual instruction so that the student will gain competence in both English and such student's language;
2. impart a knowledge of the history and culture associated with the student's language;
3. establish closer cooperation between the school and the home;
4. provide bilingual and bicultural early childhood educational programs designed to improve the potential for profitable learning activities for such children;
5. provide bilingual and bicultural adult education programs for parents of children participating in programs under this act;
6. provide such programs designed for dropouts or potential dropouts having need for them;
7. provide such programs in trade, vocational, or technical schools;
8. provide other activities deemed desirable.

GRADES TO BE COVERED

K-12

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	1. *Provisional teaching certificate* means the initial license to teach issued to a person who meets in full the preparation requirements of the State Board of Education. 2. *Standard teaching certificate* means a license to teach issued to one who has held a provisional certificate after three years of successful teaching experience and the completion of post-graduate study required by said board. A town board of education or regional board of education may request the State Board of Education for a waiver of certification requirements for a provisional teacher certificate for a teacher who is to teach full time in a bilingual/bicultural program, provided such board shall have made a reasonalbe search without success for certified teachers capable of teaching bilingually. The State Board of Education shall waive all initial certification requirements for such teacher provided that the applicant has graduated from a four year course of study from a postsecondary institution. In the event such institution was not located in the United States, it shall be necessary that the Commission for Higher Education certify that such degree is the equivalent of a baccalaureate degree in the United States. The state board shall waive only those requirements for a provisional teaching certificate, and such shall be required to fulfill all other requirements for a standard certificate. Such request for a waiver shall certify that such teacher: 1. will teach only in a bilingual/bicultural program; 2. be bilingual;

3. demonstrate experience, knowledge, or proficiency in subject areas;
4. be of good moral character;
5. have experience in working with non-English-speaking persons;
6. have taught or have equivalent teaching qualifications;
7. receive special attention in the form of supervision and other assistance by qualified persons.

STAFF TRAINING

The board of education for each local and regional school district which is required to provide a program of bilingual education shall provide inservice training for existing certified professional personnel and thereafter shall give preference in hiring to such certified professional employees as are required to maintain said programs.

MATERIALS REQUIREMENTS

The board of education shall design the procedures and acquire the training materials and equipment that such local board of education deems necessary to meet the special educational needs of children of limited-English-speaking ability.

COMMUNITY PARTICIPATION

Not Stated

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The board of education for each regional school district shall, on or before July 1 of each year, submit a report to the State Board of Education. The progress report shall include:

1. measure of increased educational opportunities for eligible children;
2. program evaluation;
3. certification by the board of education submitting the report that any funds received pursuant to this section have been used for the purposes specified.

The State Board of Education shall biannually evaluate bilingual programs conducted pursuant to the mandate for bilingual edcation.

Programs implemented under Section 10-17a to 10-17d of general statutes, bilingual/ bicultural programs (see "Description of Programs"), not directly mandated by the census and operating under federal funds, shall be evaluated annually by the State Board of Education, and a report of such evaluation shall be submitted annually to the General Assembly.

ILLINOIS

LAW	Article 14C of Illinois Revised Statute, Chapter 122
DATE PASSED	1973
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Children who were born in a country whose native language is other than English, or in the United States of parents of limited-English-speaking ability, and who are presently unable to perform successfully in classes in which instruction is given solely in English. Operationally, this is defined as a student who is reported in the annual census as falling in language levels 1-4.

1. The student does not speak, understand, or write English but may know a few isolated words or expressions.
2. The student UNDERSTANDS simple sentences in English, especially if spoken slowly, BUT DOES NOT SPEAK English, except isolated words or expressions.
3. The student speaks and understands English with hesitancy and difficulty. With effort and help, the student can carry on a conversation in English, understand at least parts of lessons, and follow simple directions.
4. The student speaks without apparent difficulty but displays low achievement, indicating some language or cultural interference with learning.
5. The student speaks and understands both English and the home language without difficulty and displays normal academic achievement for grade level.
6. The student (of non-English background) either predominantly or exclusively speaks English.

PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	No provisions in the act shall prevent the inclusion of English-speaking children in a transitional bilingual program, provided that priority be given to children of limited-English-speaking ability, and that a majority of the children enrolled shall be children of limited-English-speaking ability. Reimbursement for costs involved in the education of English-speaking children is not to be requested under the provisions of this act.
CENSUS	Each school district shall ascertain, not later than the first day of March of each year, the number of limited-English-speaking children residing or enrolled within each attendance center of the school district, and shall classify them according to the language of which they possess a primary speaking ability and either their grade, age, or achievement level.
CENSUS MANDATE	The school district shall establish a transitional bilingual education program when there are 20 or more limited-English-speaking students of the same language classification enrolled in an attendance center. Districts with fewer than these may continue to provide bilingual education programs on a voluntary basis.
DESCRIPTION OF PROGRAM	The bilingual program shall be a program of instruction: 1. in all of those courses or subjects which a child is required by law to receive and which are required by the child's school district which shall be given in the native language of the children of limited-English-speaking ability who are enrolled in the program, and in English; 2. in the language arts of the native language of the children of limited-English-speaking ability who are enrolled in the program and in aural comprehension, speaking, reading, and writing of English; 3. in the history and culture of the country, territory and geographic area which is

the native land of the children or of the parents of the children of limited-English-speaking ability who are enrolled in the program, and in the history and culture of the United States. No program may provide less than 90 minutes of instruction daily through the native language of the students enrolled in the program.

In courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music, and physical education, children of limited-English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school facilities rather than separate facilities.

No school district shall place in the same class in any program in transitional bilingual education children of limited-English-speaking ability who are of different home languages without approval from the superintendent's office. Children enrolled in a bilingual education program shall be placed in classes with children of approximately the same age and level of educational attainment.

GRADES TO BE COVERED

No Restriction

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM

The student of limited-English-speaking ability shall remain in the program for a period of three years or until he/she achieves a level of English language skills which will enable him/her to perform successfully in classes in which instruction is given only in English, whichever shall first occur. If a child removed from a bilingual program and placed in a regular classroom prior to the three year period has difficulty functioning in an all-English class, the child can be put back in the bilingual program for a length of time equal to that which remained at the time he/she was transferred.

STUDENT/TEACHER RATIO	32:1
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	School districts shall give employment preference to those bilingual individuals who have the relevant foreign cultural background. For the purpose of granting employment preference, the determination shall not be based solely on ethnic or racial origins. Teachers of language arts must possess a level of fluency in the target language that is native or near native. Teachers in a bilingual program must possess a valid transitional bilingual education certificate issued by the state examiner. This certificate is evidence that the teacher possesses basic communicative skills in English and is competent to teach language arts and/or content courses in a target language other than English.
STAFF TRAINING	Each school district shall develop a local inservice plan for the entire school faculty involved in the education of limited-English-speaking students, and release bilingual teachers, aides, and coordinators for the time necessary to participate in five conferences or workshops approved by the superintendent's office. The local inservice plan should include preservice orientations for new bilingual staff members, ongoing inservice for the aides and other paraprofessionals, and inservice opportunities for general teachers who work with children of limited-English-speaking ability.
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	A committee will be formed composed of parents of children enrolled in transitional bilingual education programs, transitional bilingual education teachers, other appropriate school staff, and representatives from community groups, provided that each committee consists of at least seven members, of whom a majority shall be parents of children enrolled in the transitional bilingual education program,

including one or more representatives from every primary speaking ability language classification in which transitional bilingual education is conducted within the attendance center.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

An examination in aural comprehension, speaking, reading, and writing of English shall be administered annually by school districts to all children of limited ability in English enrolled within their district in the transitional bilingual education program. Testing procedures and instruments to be employed must be described in the Pre-approval Application.

No children of limited-English-speaking ability shall be removed from the program prior to the completion of two third year enrollment *unless* the child has received a score in the annual examination which, based on criteria approved by the superintendent's office, reflects a level of English language skills appropriate to his/her grade level.

School districts with a bilingual program shall submit an annual report to the superintendent's office providing a summative description of the extent to which the objectives listed in the Pre-approval Application were accomplished and providing such other information as the superintendent's office may require.

INDIANA

LAW	House Enrolled Act No. 1324
DATE PASSED	1976
TYPE OF PROGRAM	While the legislation states that the ultimate objective shall be to place the bilingual/bicultural student in the regular course of study, it does not limit the grades covered, the length of time students can remain in the program, or the language treatment of students participating.
POPULATION TO BE SERVED	*Non-English Dominant Students* are children who have difficulty performing in classes conducted solely in English because: 1. their native tongue is not English; or 2. the language most often spoken by the students is not English; or 3. the language most often spoken in the students' homes is not English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Students whose dominant language is English shall be allowed to participate in the bilingual/bicultural program unless their participation will hinder the progress of the non-English dominant children.
CENSUS	Not Stated
CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	A *Bilingual/Bicultural Program* is a course of bilingual/bicultural instruction for non-English dominant students, designed to meet the students' language skill need as soon as possible. The program will use written and spoken English and a non-English language to teach students; it includes instruction in the history and culture of both the United States and the homeland of the non-English language.

	Children enrolled in this program shall be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment, as determined after considering such attainment through the use of all necessary languages. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program shall ensure that each child is provided with instruction which is appropriate for his/her level of educational attainment. The ultimate objective shall be to place the bilingual/bicultural student in the regular course of study.
GRADES TO BE COVERED	Not Stated
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	*Teacher of bilingual/bicultural instruction* is a teacher proficient in both English and a non-English language, certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language.
STAFF TRAINING	The division of migrant bilingual/bicultural education shall aid school corporations in developing and administering inservice training programs for school administrators and personnel involved in bilingual/bicultural programs.
MATERIALS REQUIREMENTS	Funds may be used for instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment. The division of migrant bilingual/bicultural education shall evaluate instructional materials. The division shall also establish bilingual/bicultural educa-

tional resource centers for the use of the school corporations.

COMMUNITY PARTICIPATION

Before June first of each year, the principal of each school operating a bilingual/bicultural program shall appoint a local advisory committee composed of teachers of bilingual instruction, counselors, community members, and parents of students enrolled or eligible for enrollment in the bilingual program. A majority of the committee members shall be parents of students enrolled or eligible for enrollment in the program. At least one member from each local advisory committee shall serve on a corporation advisory committee, the majority of which members shall be parents.

The local and corporation advisory committees shall participate in planning, implementing, and evaluating the bilingual/bicultural programs. All bilingual/bicultural programs must be approved by the appropriate level advisory committee before implementation.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The division of migrant bilingual/bicultural education of the department of public instruction shall monitor and evaluate bilingual/bicultural programs conducted by the school corporation. The division shall also make an annual report on the status of the bilingual/bicultural program to the Governor and the General Assembly.

In awarding grants for program implementation, the division will consider the extent to which the application sets forth the quantifiable measurement of the success of the proposed program in providing children who speak a non-English-dominant language with language skills necessary for their education.

LOUISIANA

LAW	Act 714 (Louisiana Review Statutes, R.S. 17:273)
DATE PASSED	July 1975
TYPE OF PROGRAM	Maintenance. The curriculum shall be established "in a well articulated sequential manner so as to afford all school children in the state the opportunity of attaining proficiency in a second language."
POPULATION TO BE SERVED	All school children in the state wishing to participate.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	Not Stated
CENSUS MANDATE	While no census is mandated, if a parish or city school board does not establish a second language program by May 30, 1976, such a program shall be required upon presentation of a petition requesting the instruction of a particular second language. It shall contain the signatures of at least twenty-five percent of the heads of households of students attending a particular school within the jurisdiction of the parish or city school board. Parents may petition to initiate second language programs in elementary schools, junior high schools, and senior high schools.
DESCRIPTION OF PROGRAM	The teaching of a designated second language in schools will be a part of the general curriculum of instruction. The instruction of the second language shall be developed to include the teaching of the language in each grade in a well articulated and sequential manner so as to afford to the student the opportunity of attaining proficiency in the designated second language.

GRADES TO BE COVERED	The second language curriculum shall extend upward through all grades, commencing in the first grade and extending upwards to the twelfth grade.
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Instructors in a second language would be regularly assigned certified teachers at the secondary level or certified second language specialist teachers in the elementary grades one through eight, itinerant in one or more schools, or foreign associate teachers selected and approved by the State Department of Education in cooperation with other appropriate state agencies.
STAFF TRAINING	Not Stated
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	Not Stated
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	Not Stated

MAINE

LAW	S.P. 52 - L.D. 109
DATE PASSED	March 1977
TYPE OF PROGRAM	Not Stated
POPULATION TO BE SERVED	Children from non-English-speaking families
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	Not Stated
CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	The commissioner is empowered to cooperate with the United States Department of Health, Education, and Welfare in carrying out the Bilingual Education Program Act and any other federal programs as may concern the improvement of educational programs designed to meet the educational needs of children in areas with non-English-speaking families. Subject to the annual approval of the commissioner, the school committee or the school directors of any administrative unit having children from non-English-speaking families may provide programs involving bilingual education techniques designed to provide children at the elementary grades with educational experiences to enhance their learning.
GRADES TO BE COVERED	Elementary school. If an emergency situation should be created at the secondary level, the commissioner may give temporary approval for such programs.

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Not Stated
STAFF TRAINING	Not Stated
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	Not Stated
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	Not Stated

MASSACHUSETTS

LAW	Chapter 71 A
DATE PASSED	November 1971
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Children who were not born in the United States whose native language is other than English and who are incapable of performing ordinary classwork in English, and children who were born in the United States of non-English-speaking parents and who are incapable of performing ordinary classwork in English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	While not specifically stated in the legislation, the "Regulations" state that programs may include children of English-speaking ability.
CENSUS	Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited-English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability.
CENSUS MANDATE	When, at the beginning of any school year, there are within a city, town, or school district, not including children who are enrolled in existing private school systems, twenty or more children of limited-English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in transitional bilingual education for the children therein, provided, however, that a school committee may establish a program with respect to any classification with fewer than twenty children. Every such child shall be enrolled and shall participate in the program in transitional bilingual

education established for the classification to which he/she belongs by the city, town, or school district.

DESCRIPTION OF PROGRAM

A program in transitional bilingual education is a full-time program of instruction:

1. in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee which shall be given in the native language of the children of limited-English-speaking ability who are enrolled in the program and also in English;
2. in the reading and writing of the native language of the children of limited-English-speaking ability who are enrolled in the program;
3. in the history and culture of the country, territory, or geographic area which is the native land of the parents of the children of limited-English-speaking ability who are enrolled in the program, and in the history and culture of the United States.

Instruction in courses or subjects included in a program which are not mandatory may be given in a language other than English. In courses where verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music, and physical education, children of limited-English-speaking ability shall participate fully with their English-speaking contemporaries in the regular classes. Children shall have a practical and meaningful opportunity to participate fully in extracurricular activities of the public schools. Programs shall, whenever feasible, be located in the regular public schools rather than separate facilities. Children shall be placed in classes with children of approximately the same age and level of educational attainment.

GRADES TO BE COVERED

Not Stated

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	A child of limited-English-speaking ability shall remain in the program for a period of three years or until such time as he/she achieves a level of English language skills which will enable him/her to perform successfully in classes in which instruction is given only in English, whichever shall first occur. Such child may, at the discretion of the school committee and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years. A child may be transferred out of the program prior to his/her third year of enrollment if the parents approve the transfer in writing, and the child has received a level of English language skills appropriate to his/her grade level. If a child so transferred is still handicapped by an inadequate command of English, he/she may be re-enrolled in the program for a length of time equal to that which remained at the time he was transferred.
STUDENT/TEACHER RATIO	The law provides for the Department of Education to establish the maximum student/teacher ratio. The department has determined that the maximum student/teacher ratio shall be 15:1; or, if an aide is present, the ratio may be 20:1. Either the teacher or the aide shall be a native speaker of the primary language.
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	The board of education shall grant certificates to teachers of bilingual education who present the board with satisfactory evidence that they: 1. possess a speaking and reading ability in a language other than English in which bilingual education is offered, and communicative skills in English; 2. are in good health; 3. are of sound moral character; 4. possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board;

5. meet such requirements as to courses of study, semester hours therein, experience, and training as may be required by the board;

6. are legally present in the United States and possess legal authorization for employment.

A school committee may prescribe additional qualifications, approved by the board. Exemptions may be granted from the certification requirements, subject to annual renewal, if such requirement would constitute a hardship in the securing of teachers of transitional bilingual education.

STAFF TRAINING

For the purpose of certifying teachers of transitional bilingual education, the board may approve programs at colleges or universities devoted to the preparation of such teachers. The institution shall furnish the board with a student's transcript and shall certify to the board that the student has completed the approved program and is recommended for a teaching certificate.

MATERIALS REQUIREMENTS

Not Stated

COMMUNITY PARTICIPATION

The "Regulations" provide that school districts operating bilingual programs shall establish a Parent Advisory Committee (PAC) on transitional bilingual education. The PAC shall be comprised of parents of children of limited-English-speaking ability enrolled in transitional bilingual education programs. The PAC shall have at least five members including one or more representatives from every language group in which transitional bilingual education is conducted in the district. Members of the PAC shall be selected in a manner which fairly represents the views of parents of children in the programs.

The parent advisory committee shall meet regularly with school officials, and at least once annually with the school committee, to participate in the planning, development, and evaluation of the district's transitional bilingual education program. Such members shall have access to program records. The PAC may appoint subcommittees for different language groups or schools and must review all plans for transitional bilingual education programs prior to their being approved.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

An examination in the oral comprehension, speaking, reading, and writing of English, as prescribed by the department, shall be administered annually to all children of limited-English-speaking ability enrolled and participating in a program in transitional bilingual education.

The "Regulations" provide for the establishment of a three member or more committee, including one or more representatives each from the school administration, transitional bilingual education program, and parent advisory committee, who shall be responsible for conducting an annual review of the district's programs and reporting its conclusions to the Bureau of Transitional Bilingual Education and the school committee.

MICHIGAN

LAW	House Bill No. 4750, Act No. 294
DATE PASSED	October 1974
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Children who have or reasonably may be expected to have difficulty performing ordinary classwork in English because their native tongue is a language other than English or because they come from a home environment where the primary language used is a language other than English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	School districts must determine the number of limited-English-speaking children in each language classification enrolled in the district in grades K-12.
CENSUS MANDATE	A school district having an enrollment of 20 or more children of limited-English-speaking ability in a language classification in grade K-12 *shall* establish and operate a bilingual instruction program. A school district with fewer than 20 children in a language category *may* establish a bilingual instruction program. Where fewer than 20 children of limited-English-speaking ability in a language classification are enrolled in a school district, the board of the intermediate school district shall determine whether the total number of such children residing in its constituent school districts which do not operate a bilingual instruction program warrants the establishment of an intermediate bilingual instruction-support program. The board of the school district shall consider:

1. whether the cost of operating an intermediate bilingual instruction-support program is justified by the number of children at each grade level who would benefit from its establishment;
2. whether alternative methods of providing a bilingual instruction-support program, such as visiting teachers or part-time instruction, can be provided.

DESCRIPTION OF PROGRAM

Bilingual programs shall be full-time programs of instruction in all the courses required by law and the board for completion of the grade level in which the child is enrolled. Bilingual instruction will be given in two languages one of which is English, for speaking, reading, writing, or comprehension. It may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by the children of limited-English-speaking ability who are enrolled in the program and in history and culture of the United States. Children in bilingual instruction programs may be placed in classes with other children of approximately the same age and grade level. If children of different groups and grade levels are combined, the board of the school district shall ensure that the instruction given each child is appropriate to his/her level of educational attainment.

GRADES TO BE COVERED

K-12

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM

A child of limited-English-speaking ability shall be enrolled in the bilingual instruction program for three years or until he/she achieves a level of proficiency in English language skills sufficient to receive an equal educational opportunity in the regular school program, whichever occurs first. A school district shall not transfer a child of limited-English-speaking ability out of a bilingual instruction program prior to the child's third year of enrollment unless the parent or guardian of the child approves of the transfer in writing, or unless the child successfully completes

an examination which, in determination of the State Board of Education, reflects a level of English language skills appropriate to his/her grade level.

STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Teachers must have a valid Michigan teaching certificate, and the certificate must indicate that he/she has an endorsement to give bilingual instruction in a specific language. Such teacher shall be proficient in both the oral and written skills of the language for which he/she is endorsed.
STAFF TRAINING	Teachers must be endorsed as qualified bilingual instructors by the State Department of Education. Therefore, programs will be established at teacher-training institutions which will consist of: 1. training in a language other than English; 2. training in bicultural education; 3. training in bilingual education methodologies. The State Board of Education shall develop and administer a program of inservice training for bilingual instruction programs in cooperation with intermediate and local school districts. Inservice training will be provided for administrators, teachers, teacher aides, paraprofessionals, or other educational personnel engaged in bilingual instruction programs for children of limited-English-speaking ability.
MATERIALS REQUIREMENTS	The State Department of Education shall study, review, and evaluate textbooks and instructional materials, resources, and media for use in bilingual instructional programs.
COMMUNITY PARTICIPATION	A school district operating a bilingual instruction program shall establish an advisory committee to assist the board in evaluating and planning the bilingual in-

struction program. The advisory committee shall be comprised of representatives of parents of children enrolled in the program, bilingual instruction teachers and counselors, and members of the community. A majority of the members of the advisory committee shall be parents of children enrolled in the bilingual instruction program.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The State Board of Education shall approve an examination or testing mechanism suitable for evaluating the proficiency in English language skills of a child of limited-English-speaking ability.

The State Department of Education shall make an annual report relative to bilingual instruction programs to the legislature and the governor.

MINNESOTA

LAW	S.F. No. 120
DATE PASSED	May 1977
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Children of limited-English-speaking ability--children whose primary language is other than English or who come from environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	To the extent it is economically feasible, a program of bilingual education may make provisions for the voluntary enrollment of children whose primary language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited-English-speaking ability.
CENSUS	The school census shall include an enumeration of children of limited-English-speaking ability residing within the district by primary language, race, and national origin. In making this census, the school board shall seek the assistance and cooperation of agencies, organizations, or community groups, public or private, which might have information about students of limited-English-speaking ability residing in the school district.
CENSUS MANDATE	Not Stated

DESCRIPTION OF PROGRAM

Bilingual Education Programs are programs enrolling children of limited-English-speaking ability in elementary and secondary schools in which:

1. there is instruction given in the study of both English and the primary language of the children of limited-English-speaking ability, in all courses or subjects of study, to the extent necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;
2. there is instruction given with sensitivity to and appreciation for the cultural heritage of the children of limited-English-speaking ability;
3. there is instruction in the history, culture, and heritage of the limited-English-speaking children and of the history and culture of the United States.

To the extent practicable, children with different non-English primary languages should not be combined in the same bilingual education class. Children shall be placed to the extent practicable in the same classes with others approximately the same age and level of educational attainment. Instruction given in two languages shall be appropriate to the linguistic abilities of the children enrolled in the program. In no event shall the program be designed to teach a foreign language to English-speaking children.

In predominantly non-verbal subjects, such as art, music, and physical education, children of limited-English-speaking ability shall participate fully and on equal bases with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities.

No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color,

or national origin.

GRADES TO BE COVERED	K-12
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Children shall be eligible to enroll for a period of three years or until such time as they achieve a level of English language skills which will enable them to perform successfully in classes in which instruction is given only in English, whichever shall first occur.
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	The board shall grant licenses in bilingual education to persons that present evidence that they: 1. possess competence and communicative skills in English and in another language; 2. possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe; 3. hold a general teaching license and present the board with evidence of competence and communicative skills in a language other than English. Districts providing bilingual education programs pursuant to this act may employ teacher aides, but not for the purpose of supplanting teachers. In hiring for all positions in bilingual education programs, school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who: 1. are native speakers of the language which is the medium of instruction in the bilingual education program; 2. share the culture of the limited-English-speaking children who are enrolled in the program.

STAFF TRAINING

For the purpose of licensing bilingual teachers, the board may approve programs at colleges and universities designed for their training, subject to the approval of the state board of education.

The state board of education shall provide technical assistance to school districts and postsecondary institutions for preservice and inservice training for bilingual education teachers and teacher aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for bilingual programs.

Support components shall be developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training may include but not be limited to:

1. development of instructional and personal skills in reading, writing, and speaking;
2. opportunities to develop general and bilingual teaching skills;
3. opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs. Orientation to the purposes and values of the bilingual program may be provided to district staff.

MATERIALS REQUIREMENTS

In a program of instruction for children of limited-English-speaking ability, instruction and textbooks may be in the primary language of the children of limited-English-speaking ability.

COMMUNITY PARTICIPATION

Before implementing a program, the district shall establish a parent advisory committee and shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served in the program.

The committee shall be composed solely of parents of children enrolled or eligible to

be served; bilingual education teachers, aides, counselors, or other bilingual education personnel; and representatives from community groups, provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program and the number of parents of limited-English-speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:

1. numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited-English-speaking ability;
2. concentrations of children of limited-English-speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;
3. placement rates of children of limited-English-speaking ability in classes for handicapped pupils, in comparison with schoolwide and districtwide placement areas;
4. achievement test scores, mobility rates, and dropout rates of children of limited-English-speaking ability in comparison with average achievement test scores, mobility rates, and dropout rates.

The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited-English-speaking ability, including, among others, information on the effectiveness of existing programs for children of limited-English-speaking ability, and on tests, criteria, identification instruments, and procedures for identifying, testing, assessing, and classifying children of limited-English-speaking ability.

The state board shall provide for the comprehensive evaluation of pilot programs funded under this act and may also provide for the comprehensive evaluation of existing educational programs offered by non-public, community, or alternative schools, including assessment of pupil achievement, processes, and the results of establishing quality programs, and attitudes of people involved in and affected by programs.

In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment, and classification of children of limited-English-speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited-English-speaking ability.

NEW JERSEY

LAW	Bill No. 811
DATE PASSED	January 1975
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	"Children of limited-English-speaking ability"--those children whose primary language is other than English and who have difficulty performing ordinary classwork in English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Bilingual education programs may include children of English-speaking ability. According to the "Rules," no bilingual class may contain a majority of students whose native language is English.
CENSUS	Each school district shall identify and ascertain those children attending schools of the district who are of limited-English-speaking ability and also, those children not in attendance but resident within the district, and shall classify them according to the language of which such children possess a primary speaking ability.
CENSUS MANDATE	When there are within the schools of the district *20 or more* pupils of limited-English-speaking ability in any one language classification, the board of education shall establish for each such classification a program of bilingual education for all pupils therein, provided, however that a board of education may establish a program in bilingual education for any language classification with fewer than 20 children therein.
DESCRIPTION OF PROGRAM	A program of bilingual education is a full-time program of instruction: 1. in all those courses which a child is required by law, rule, or regulation to

receive given in the native language of the children of limited-English-speaking ability enrolled in the program and also in English;

2. in the aural comprehension, speaking, reading, and writing of the native language of the children of limited-English-speaking ability enrolled in the program and in the aural comprehension, speaking, reading, and writing of English;

3. in the history and culture of the country, territory, or geographic area which is the native land of the parents of children of limited-English-speaking ability enrolled in the program, and in the history and culture of the United States.

Programs shall be located in the regular public schools of the district rather than in separate facilities. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not limited to art, music, and physical education, pupils of limited-English-speaking ability may participate fully with English-speaking pupils in the regular classes provided for such subjects.

GRADES TO BE COVERED	Not Stated
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	3 years
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Although not stated in the legislation, the State of New Jersey requires that persons employed as bilingual education teachers be certified as bilingual/bicultural or ESL teachers.
STAFF TRAINING	The Board of Higher Education with the advice of the State Advisory Committee on

	Bilingual Education shall provide financial support to institutions of higher education for career development programs and the training of professionals serving bilingual populations with emphasis on effective utilization of existing facilities.
MATERIALS REQUIREMENTS	The State Board and the State Board of Higher Education shall develop resources, programs, curriculum, and instructional materials and undertake such other activities as will enable boards of education to provide programs pursuant to this act; the boards shall, where appropriate, jointly or cooperatively undertake such activities.
COMMUNITY PARTICIPATION	The board shall provide for the maximum practicable involvement of parents of children of limited-English-speaking ability in the development and review of program objectives and dissemination of information to and from the local school districts and communities served by the bilingual education program within existing state law.
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	According to the "Rules," New Jersey requires that an examination in the oral comprehension, speaking, reading, and writing of English shall be administered annually to all children of limited-English-speaking ability enrolled and participating in a bilingual education program. Similar criteria shall be used in determining student eligibility for the program pursuant to the census.

NEW MEXICO

LAW	SB 421
DATE PASSED	April 1973
TYPE OF PROGRAM	Not stated. However, a statement of policy regarding bilingual/multicultural education by the New Mexico State Board of Education states, "Bilingual-Multicultural Education is a process to improve education for all children. It is based on the premise that every individual has a right to retain and expand his identity, his culture, and his language. Furthermore, all students have the right to participate in various cultural forms and values. Since bilingualism is recognized by the New Mexico Constitution and the decisions of the United States Supreme Court, this type of educational opportunity should be provided for all students as part of the basic program as determined by the needs assessment of the local district." The legislation is interpreted as establishing a transitional program because of the restricted grade range, but programs whose philosophy is maintenance may be funded by the state.
POPULATION TO BE SERVED	Programs must provide for the educational needs of linguistically and culturally different students, including native American children, and other students who may wish to participate. "Culturally and linguistically different" are those persons who are of a cultural background different from the majority culture of the state and whose native tongue is of a language other than the language of the majority culture within the state.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	English-speaking students may participate.
CENSUS	Not Stated

CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	Cognitive and affective development of the students in New Mexico is encouraged by: 1. utilizing the cultural and linguistic backgrounds of the students in the curriculum; 2. providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; 3. teaching students to appreciate the value and beauty of different languages and cultures. To be eligible for state financial support, each program must: 1. use two languages as media of instruction for any part or all of the curriculum of the grade level or levels within the programs; 2. use teachers who have specialized in elementary education and who have received special training in bilingual education conducted through the use of two languages; 3. emphasize the history and cultures associated with the student's mother tongue. Programs shall be located in the regular public schools and shall not have the effect of segregating students by ethnic group, color, or national origin.
GRADES TO BE COVERED	Programs will be funded in grades kindergarten through six, with priority to be given to programs in grades kindergarten through three.
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated

TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	In order to be eligible for state financial support, programs must use teachers who have specialized in elementary education and who have received special training in bilingual education conducted through the use of two languages. The State Board of Education has adopted certification requirements for elementary and secondary teachers of bilingual education.
STAFF TRAINING	The legislation requires that teachers have received special training in bilingual education conducted through the use of two languages. The State Board of Education has adopted program requirements for teacher education programs in bilingual education including the development of competence in areas such as language, culture, and methodology.
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	The legislation provides that a parent advisory committee from the district shall review the goals and priorities of the plan and make appropriate recommendations to the state board.
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	The department of education shall assist school boards in developing and evaluating programs. The guidelines for implementing bilingual/multicultural programs stipulate that districts should develop an evaluation design commensurate with local objectives and needs, and which includes student's achievement through English as well as through the home language.

NEW YORK

LAW	Education Law, Section 3204
DATE PASSED	May 1974
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Pupils who, by reason of foreign birth, ancestry, or otherwise, experience difficulty in reading and understanding English, may, in the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	Not Stated
CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	Pupils who are limited-English-speaking may be instructed in all subjects in their native language and in English. The governing board of any school district is empowered to determine the circumstances and necessity wherein instruction shall be given bilingually. The said governing board shall design the necessary procedures and acquire the necessary training materials and equipment to meet the special educational needs of children of limited-English-speaking ability through programs designed to: 1. provide bilingual education; 2. impart to students a knowledge of the history and culture associated with their language; 3. establish closer cooperation between the school and the home;

4. provide early childhood educational programs (for limited-English-speaking pupils) designed to improve the potential for profitable learning activities by children;
5. provide adult educational programs related to the purposes of this law, particularly for parents of children participating in bilingual programs;
6. provide programs designed for dropouts or potential dropouts having need of bilingual programs;
7. provide programs to be conducted by accredited trade, vocational, or technical schools;
8. provide other activities deemed desirable to further the purposes of this law.

Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

GRADES TO BE COVERED	Not Stated
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Pupils may participate for a period of three years, which may be extended by the commissioner with respect to individual pupils upon application thereof by the appropriate school authorities to a period not in excess of six years from the date of enrollment in school.
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Instruction may be given only by a competent teacher.
STAFF TRAINING	Not Stated

MATERIALS REQUIREMENTS	The governing board of a school district implementing a program of bilingual education shall acquire the necessary materials and equipment to meet the special educational needs of children of limited-English-speaking ability.
COMMUNITY PARTICIPATION	Programs shall be designad to establish closer cooperation between the school and the home, and to provide adult education programs related to the purposes of this act, particularly for parents of children participating in bilingual programs.
STUDENT ASSESSMENT AND EVAULATION REPORTING REQUIREMENTS	Not Stated

OREGON

LAW	Laws Relating to Public School and Community Colleges Vol. 2, 1974. Sec. 336.074 and 336.079
DATE PASSED	1971
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Pupils whose native language is other than English and are unable to profit from classes taught in English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	The *Index to Attorney General Opinions* of the Oregon State Department of Education states that districts shall develop a plan for identifying students whose primary language is other than English.
CENSUS MANDATE	The *Index* further provides that districts identifying students whose primary language is other than English shall provide such students with appropriate programs until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities.
DESCRIPTION OF PROGRAM	Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities. Specific courses to teach speaking, reading, and writing of the English language shall

	be provided at each grade level, starting at the first grade, to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.
GRADES TO BE COVERED	Each grade level, starting at the first grade.
LENGTH OF TIME FOR STUDENT IN THE PROGRAM	The children can remain in the program until they are able to profit from English courses.
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Not Stated
STAFF TRAINING	Not Stated
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	Not Stated
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	Not Stated

RHODE ISLAND

LAW	Title 16, Chapter 54 Note: An amendment to this act stipulates that, "This act shall take effect only when funds of the federal government are made available to and accepted by the state department of education to carry out the purposes of this act on a continuing basis."
DATE PASSED	May 1974
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	*Children of limited-English-speaking ability* are children whose native tongue is a language other than English and who have difficulty performing ordinary classwork in English, provided that, where a school district has made a judgment that a child is not of limited-English-speaking ability but his parents or legal guardian reasonably disagrees, the parents' judgment shall be conclusive.
PARTICIPATION OF ENGLISH/SPEAKING STUDENTS	The school district shall, to the fullest extent possible, enroll a substantial number of English-speaking children in bilingual programs, provided that priority shall be given to children of limited-English-speaking ability.
CENSUS	The school board of every district shall ascertain annually in a census, under regulations prescribed by the department, the number of school age children of limited-English-speaking ability resident within the district. In making such a census, the school board may seek the assistance and cooperation of any agencies, organizations, or community groups, public or private, which might have information about children of limited-English-speaking ability residing within the school district.

CENSUS MANDATE

The school board of each district shall classify the children of limited-English-speaking ability within the district according to the language in which they possess a primary speaking ability. Whenever there are within a school district 20 or more children of limited-English-speaking ability in any such classification, the school board of said district shall establish, for each such classification, a transitional bilingual education program for all the children therein. A school board may establish a bilingual program with respect to any classification containing fewer than 20 children. In mandatory programs, children speaking different non-English languages shall not be combined in the same program.

DESCRIPTION OF PROGRAM

A bilingual program shall be a full-time program of instruction:

1. in all subjects required by law or by the school district, which shall be given in the native language of the children of limited-English-speaking ability who are enrolled in the program, and the English language;
2. in the comprehension, speaking, reading, and writing of the native language of the children of limited-English-speaking ability who are enrolled in the program, and in the comprehension, speaking, reading, and writing of the English language;
3. in the history and culture associated with the native language of the children of limited-English-speaking ability enrolled in the program, and in the history and culture of the United States.

Bilingual programs shall be located in the regular public schools rather than in separate facilities; and no school district shall, in providing programs under this chapter, assign students to schools in a way which will have the effect of promoting segregation of students by race, color, or national origin.

Whenever in any junior or senior high school in the state 20 or more students who speak a language other than English apply for courses in the study of that language, the school board of the district shall provide such courses. The courses shall include instruction in the reading and writing of said language and study of the literature, history, and culture associated with said language. Any student in the school shall be eligible to participate in such courses.

In predominantly non-verbal subjects, such as art, music, and physical education, children of limited-English-speaking ability shall participate fully with their English-speaking contemporaries. Every school district shall ensure to children enrolled in a bilingual program a meaningful opportunity to participate fully with other children in all extracurricular activities.

Children enrolled in a bilingual program shall be placed in classes with children of approximately the same age and level of educational attainment. Children of widely disparate ages or educational attainment shall not be combined in the same classroom except as approved by the department. In such cases the district shall ensure that the instruction given each child is appropriate to his/her level of educational attainment.

GRADES TO BE COVERED

K-12

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM

No school district shall transfer a child of limited-English-speaking ability out of a mandatory bilingual program prior to his/her sixth year of enrollment therein unless the child has received a score on an examination in listening comprehension, speaking, reading, and writing of English (administered annually) which, in the opinion of the department, reflects a level of English language skills which will enable him/her to perform successfully in regular classes appropriate for his/her age. If later evidence suggests

that a child so transferred is still handicapped by an inadequate command of English, the child shall have the right to be re-enrolled in the bilingual program for a length of time equal to that portion of the sixth-year period which remained at the time he/she was transferred. A school district may allow any child to continue in a bilingual program for a longer period.

STUDENT/TEACHER RATIO

The maximum student/teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in bilingual programs.

TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS

The state board of regents for education shall grant permanent teaching certificates in bilingual education to persons who present the board with satisfactory evidence that they:

1. possess a teacher's degree or other academic degree approved by the state board;
2. possess a speaking or reading ability in a language other than English, and communicative skills in English;
3. meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as may be satisfactory to the board;
4. hold a general teaching credential, presenting the board with satisfactory evidence that they have speaking and reading ability in a language other than English.

In hiring teachers for a bilingual program who speak a language other than English, including certified teachers and teachers serving under exemptions, school districts shall give preference to, and make affirmative efforts to recruit, persons who are native speakers of the language and share the culture of the children of limited-English-speaking ability who are enrolled in the program.

A bilingual education teacher aide shall be a person employed to assist a teacher in

a bilingual program. Each school board providing bilingual programs under this chapter shall employ such teacher aides to assist in teaching the programs, provided, however, that at least half of the teacher aides assigned to each program shall be native speakers of the language and share the culture of the children of limited-English-speaking ability.

One or more community coordinators shall be employed, on a full- or part-time basis, for each program in which 100 or more children are enrolled. Community coordinators shall seek to promote communication, understanding, and cooperation between the public schools and the community, and shall visit the homes of children who are or could be enrolled in a bilingual program in order to convey information about the program. A coordinator shall be a native speaker of the language and share the culture of the children of limited-English-speaking ability.

The school board of any school district in which 200 or more children are enrolled in bilingual programs shall appoint a director of bilingual education for the district. The director shall be qualified as a bilingual education teacher and shall supervise the operation of the district's programs. Districts shall make affirmative efforts to recruit directors who are native speakers of a language other than English.

STAFF TRAINING

For the purpose of certifying bilingual teachers, the board may approve programs at college and universities devoted to the preparation of such teachers. Funds may be awarded for pre-service and in-service training.

MATERIALS REQUIREMENTS

Not Stated

COMMUNITY PARTICIPATION

School boards shall provide for the maximum practical involvement of parents of children enrolled in bilingual programs. Each school

district shall establish a parent advisory committee. The bilingual program should be planned, evaluated, and operated with the involvement of, and in consultation with, parents of children served by the program. Such committees shall be composed solely of parents of children enrolled in bilingual programs, bilingual education teachers, teacher aides, community coordinators, and representatives from poor people's community groups, provided, however, that a majority of each committee shall be parents of children enrolled in the corresponding bilingual program, and that the number of English-speaking and non-English-speaking parents shall reflect approximately the proportions of English-speaking and non-English-speaking students enrolled in the bilingual programs.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

An examination in listening comprehension, speaking, reading, and writing of English, as prescribed by the department, shall be administered annually to all children of limited-English-speaking ability enrolled in a bilingual program.

The state division for bilingual education shall:

1. study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of limited-English-speaking residents in the state;
2. gather information about the theory and practice of bilingual education in the state, encourage innovation in the field of bilingual education, and make a regular report to the legislature, governor, and public;
3. make recommendations to the department in the area of testing and testing mechanisms.

TEXAS

LAW	SB No. 121
DATE PASSED	June 1973
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	*Children of limited-English-speaking ability* are children whose native tongue is a language other than English and who have difficulty performing ordinary classwork in English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not Stated
CENSUS	The board of each school district shall determine not later than the first day in March, under regulations prescribed by the State Board of Education, the number of school age children of limited-English-speaking ability within the district and shall classify them according to the language in which they possess a primary speaking ability.
CENSUS MANDATE	Each school district which has an enrollment of 20 or more children of limited-English-speaking ability in any language classification in the same grade level during the preceding scholastic year and which does not have a program of bilingual instruction shall institute a program of bilingual instruction for the children in each language classification. The board may establish a program with respect to a language classification with fewer than 20 children.
DESCRIPTION OF PROGRAM	The bilingual education program shall be a full-time program of instruction: 1. in all the subjects required by law or by the school district, which shall be

given in the native language of the children of limited-English-speaking ability who are enrolled in the program, and in the English language;

2. in the comprehension, speaking, reading, and writing of the native language of the children of limited-English-speaking ability and of English;

3. in the history and culture associated with the language of the children of limited-English-speaking ability in the program and in the history and culture of the United States.

In predominantly nonverbal subjects such as art, music, and physical education, children of limited-English-speaking ability shall participate fully with their English speaking contemporaries. Elective courses included in the curriculum may be taught in a language other than English. Each school district shall insure to children enrolled in the program a meaningful opportunity to participate fully with other children in all extra-curricular activities. A school district may establish on a full or part-time basis preschool or summer school programs in bilingual education for children of limited-English-speaking ability. The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year.

GRADES TO BE COVERED

With respect to the census mandate, school districts must offer bilingual programs in grades kindergarten through third. Bilingual instruction may be offered in the fourth and fifth grades for students who have not progressed sufficiently to participate in the regular school curriculum. Any bilingual program beyond the fifth grade shall be at the expense of the respective local school district.

LENGTH OF TIME FOR STUDENTS IN THE PROGRAM

Every child of limited-English-speaking ability enrolled in a bilingual program may remain in the program for a period of three years or until the child achieves a level of English language proficiency which will enable him/her to perform successfully in classes in which instruc-

tion is given only in English, whichever first occurs. Such child may continue in that program for a period longer than three years with the approval of the school district and child's parents or guardian. No school district may transfer a child of limited-English-speaking ability out of a bilingual program prior to his/her third year of enrollment unless the parents of the child approve the transfer in writing, or unless the child has received a score on an examination which, in the determination of the agency, reflects a level of English language skills appropriate to his/her grade level. If later evidence suggests that a child who has been transferred is still handicapped by an inadequate command of English, he/she may be re-enrolled in the program for a length of time equal to that which remained at the time of the transfer.

STUDENT/TEACHER RATIO

The maximum student/teacher ratio shall be set by the agency and shall reflect the special needs of children enrolled in programs of bilingual education.

TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS

The state board of education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking and reading ability in a language other than English in which bilingual education programs are offered, and who meet the general requirements for teachers.

STAFF TRAINING

The law reads as follows:

1. the Central Education Agency shall conduct bilingual education training institutes;
2. the agency shall make rules and regulations governing the conduct of and participation in the institutes;
3. professional and paraprofessional public school personnel who participate in the bilingual education training institutes shall be reimbursed for expenses incurred as a result of their

participation in accordance with rules and regulations adopted by the agency.

In addition, the State Board of Education stipulates that funds may be made available for staff development to familiarize teachers with materials and/or bilingual education methodology and philosophy, and advanced language training for bilingual teachers and language training for monolingual teachers working under special assignment permits.

MATERIALS REQUIREMENTS

The State Board of Education shall acquire, purchase, and contract for, with bids, subject to rules and regulations adopted by the board, free textbooks and supporting text media for use in bilingual education programs conducted in the public school system of the state.

COMMUNITY PARTICIPATION

Not Stated

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

While not specifically stated in the legislation, the State Board of Education recommends the use of objective and subjective measures of English proficiency. Objective measures must compare the child's language with that of the typical native-English-speaking child of the same age. Subjective measures should be used to supplement the objective ones and may include teacher opinion, peer interaction and/or parent information. In grades K-2 assessment of language proficiency should be on the basis of language production and comprehension. For others it should include reading and writing skills.

The board also requires an evaluation plan from districts operating a bilingual program which includes the following elements:

1. Instruction (Product/Process)
2. Management
3. Parental/Community Involvement
4. Staff Development
5. Materials Development/Acquisition/Use

UTAH

LAW	S.B. No. 353 The law provides only that "The state contribution of $317,100 for bilingual education programs shall be allocated to each school district by the state board of education programs for pupils with bilingual needs based upon [the relationship that] the number of pupils with bilingual needs in the district claiming entitlement bears to the total number of such pupils in all districts. The provisions included below are taken from the *Guidelines and Standards for State Bilingual Education*, April 13, 1977.
DATE PASSED	February 1977
TYPE OF PROGRAM	Not Stated
POPULATION TO BE SERVED	Pupils with bilingual needs--pupils who meet the classification requirements of *Lau Remedies*, A, B, and C: A pupils who are monolingual speakers of another language; B pupils who speak another language and have a limited knowledge of English; C pupils who are bilingual, i.e., have equal knowledge of another language and English.
PARTICIPATION OF ENGLISH-SPEAKING STUDENTS	Not specifically stated, but districts are encouraged to teach the language(s) of the minority children to the monolingual speakers of English in order to promote a pluralistic concept of America.
CENSUS	All districts will annually classify all children of the district according to the five categories prescribed in the *Lau Remedies*.

CENSUS MANDATE	Not Stated
DESCRIPTION OF PROGRAM	Bilingual education constitutes an instructional program encompassing the total educational process in which two languages (English and another language) shall be used for a portion of the curriculum. The amount of time and the treatment accorded to each of the languages in both content area and language instruction shall be commensurate with the individual needs of pupils. Inherent in the program of bilingual instruction shall be the teaching of the cultural heritage of the people whose languages are used and the contribution made to the community, the state, and the country. For pupils whose first language is other than English, the teaching of concepts, content information, attitudes, and relationships may be undertaken entirely in the first language until sufficient facility is achieved in the use of both languages. Districts are encouraged to teach the language(s) of the minority children to the monolingual speakers of English in order to promote a pluralistic concept of America.
GRADES TO BE COVERED	K-12
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Not Stated
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Not Stated
STAFF TRAINING	Districts are encouraged to provide a program for inservice training of district personnel involved in bilingual programs, e.g., teachers, aides, support personnel, and supervisors.

MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	Districts are encouraged to provide a program which encourages parental involvement.
STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS	Children classified in language categories stipulated by the *Lau Remedies* will have been given this classification as a result of instruments which will show the child's knowledge of English as compared to that demonstrated by children of comparable age and grade placement. The instrument used to indicate this child's understanding of English may be written by the school district's staff, or it may be a published test. The classification results for all children included in the formula for funding must be kept on file and subject to audit by the State School Office. In order to meet the demand of the legislature, districts must submit an evaluation report at the end of each school year which will describe the achievement and/or growth made by the students in the bilingual program.

WISCONSIN

LAW	S.B. 126
DATE PASSED	1975
TYPE OF PROGRAM	Transitional
POPULATION TO BE SERVED	Limited-English-speaking pupil--a pupil whose ability to use the English language is limited because of the use of a non-English language in his/her daily, non-school surroundings, and who has difficulty, as defined by the rules by the state superintendent, in performing ordinary classwork in English as a result of such limited-English-speaking ability.
PARTICIPATION OF ENGLISH-SPEAKING PUPILS	Pupils who are not limited-English-speaking may participate in a bilingual/bicultural program, except that a school board shall give preference to limited-English-speaking pupils in admitting pupils to such programs.
CENSUS	Annually on or before March 1, each school board shall conduct a count of the limited-English-speaking pupils in the schools of the district, assess the language proficiency of such pupils, and classify such pupils by language group, grade level, age, and English language proficiency.
CENSUS MANDATE	The school board shall establish a bilingual/bicultural program: 1. if, in a language group, there are 10 or more limited-English-speaking pupils in kindergarten to grade three in attendance at a particular elementary school and whose parents or legal custodians give written consent to such pupils' placement. Such program shall be taught by a bilingual teacher. 2. if, in a language group, there are 20 or more limited-English-speaking pupils in grades four to eight in attendance at a

particular elementary, middle, or junior high school and whose parents or legal custodians give written consent to such pupils' placement. Such program shall be taught by a bilingual teacher. (Not required before July 1, 1979.)

3. if, in a language group, there are 20 or more limited-English-speaking pupils in grades nine to twelve in attendance at a particular high school and whose parents or legal custodians give written consent to the pupils' placement. The program shall be taught by a bilingual teacher. Bilingual counselors shall be made available. (Not required before July 1, 1981.)

DESCRIPTION OF PROGRAM

A bilingual/bicultural program is a basic program or an optional expanded program, designed to improve the comprehension and the speaking, reading, and writing ability of a limited-English-speaking pupil in the English language, so that the pupil will be able to perform ordinary classwork in English.

A basic program includes the following:

1. instruction in reading, writing, and speaking the English language;
2. in grades K-8 through the use of the native language of the limited-English-speaking pupil, instruction in the subjects necessary to permit the pupil to progress effectively through the educational system.

An optional expanded program provides the following:

1. instruction in reading, writing, and speaking the English language;
2. instruction at all grade levels through the use of the native language of the limited-English-speaking pupil, in the subjects necessary to permit the pupil to progress effectively through the educational system.

Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture and conservation of

	natural resources, history and civil government of the United States and of Wisconsin, citizenship, and such other subjects as the school board determines shall be taught in every elementary school. All instruction shall be in English, except in those programs established under subchapter VI of chapter 115 where instruction shall be in the English language and in the non-English language of the bilingual/bicultural education program, and except that the school board may cause any foreign language to be taught to such pupils as desire it.
GRADES TO BE COVERED	K-12
LENGTH OF TIME FOR STUDENTS IN THE PROGRAM	Until such time as the pupil is able to perform ordinary classwork in English.
STUDENT/TEACHER RATIO	Not Stated
TEACHER/STAFF REQUIREMENTS AND QUALIFICATIONS	Bilingual teachers and counselors must be certified personnel approved by the state superintendent. Bilingual teacher aides and bilingual counselor aides must be approved by the state superintendent.
STAFF TRAINING	The school board may institute pre-service or inservice programs designed to improve the skills of bilingual teachers, bilingual teacher aides, bilingual counselors, bilingual counselor aides, or other personnel participating in, or preparing to participate in, a bilingual/bicultural program.
MATERIALS REQUIREMENTS	Not Stated
COMMUNITY PARTICIPATION	In each school district which establishes a bilingual/bicultural program, the school board may appoint a bilingual/bicultural adivsory committee to afford parents and educators of limited-English-speaking

pupils the opportunity to advise the school board of their views and to ensure that a program is planned, operated, and evaluated with their involvement and consultation. The committee shall assist the school board in informing educators, parents, and legal custodians of limited-English-speaking pupils that a program exists. The committee shall be composed of parents of limited-English-speaking pupils enrolled in the program, bilingual and other teachers, bilingual teacher aides, bilingual and other counselors and bilingual counselor aides in the district, at least one representative from the community, and a representative of the school district administration.

STUDENT ASSESSMENT AND EVALUATION REPORTING REQUIREMENTS

Annually, the state superintendent shall report to the legislature on the status of bilingual/bicultural education programs established under this subchapter. The report shall include the number of pupils served in basic and optional expanded programs for each language group in each school district in which such programs are offered and the cost of the program per pupil for each school district, language group, and program type. The department shall also provide number of pupils in each school district and language group who, as a result of the bilingual/bicultural education program, improved their English language ability to such an extent that the program is no longer necessary for such pupils.

The "Rules" state that the Department of Public Instruction shall review and evaluate the administration of programs, including:

1. the local school procedures used for identifying and counting eligible students;
2. the notification sent out to parents or legal custodians regarding their child's participation in the program;
3. the procedures used for the establishment of the program;
4. the provisions made for legal appeals;
5. the curriculum being offered in the program;
6. the progress of limited-English-speaking

students in the program;

7. the program evaluation design.

The "Rules" further stipulate that students shall be assessed for eligibility for the program by using such information as reading and arithmetic skill levels. Other course grades of students are viewed relative to classmates, indicating lack of progress because of limited-English language skills; in addition, information on everyday classroom performance is incorporated into the assessment.

CENTER FOR THE STUDY OF EVALUATION

The Center for the Study of Evaluation (CSE) is a university-based research and development center established in 1966 by the Department of Health, Education, and Welfare. The mission of the Center has been to conduct research, development, training, and dissemination activities for the purpose of improving the planning and evaluation of education and other social action programs. More specifically, CSE activities include: guidance for educators and researchers in the areas of tests and measures and in educational decision making; development of easy to use evaluation procedures and materials in the form of manuals, workshops, and kits; and evaluation of projects for federal, state, local, and university agencies requesting technical assistance in evaluation. The work of CSE during its first decade has clarified the ways in which systematic evaluation can be helpful in the improvement of many kinds of programs.

Information about CSE and its publications may be obtained by writing to:

Director, Public Information
Center for the Study of Evaluation
UCLA Graduate School of Education
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